



राजपत्र, हिमाचल प्रदेश (असाधारण)

हिमाचल प्रदेश शासन द्वारा प्रकाशित

शिमला, बोरवार, 10 जनवरी, 1963/20 पौष, 1884

HIMACHAL PRADESH ADMINISTRATION

LAW DEPARTMENT

NOTIFICATION

Simla-4, the 24th December, 1963

No. 1-18/62-LR.—The Defence of India Act, 1962 (No. 51 of 1962) recently passed by the Parliament of India, and published in the Gazette of India, Extraordinary Part II, section I, dated 12th December, 1962, along with the Defence of India Rules, 1962 as published in the Gazette of India, Extraordinary Part II, section 3, sub-section (i), dated the 5th and 24th November, 1962 is hereby republished in the Himachal Pradesh Administration Gazette for the information of general public.

S. R. MAHANTAN,
Under Secretary (Judicial).

Assented on 12-12-1962

THE DEFENCE OF INDIA ACT, 1962

(51 OF 1962)

AN
ACT

to provide for special measures to ensure the public safety and interest, the defence of India and civil defence and for the trial of certain offences and for matters connected therewith.

WHEREAS the President has declared by Proclamation under clause (1) of Article 352 of the Constitution that a grave emergency exists whereby the security of India is threatened by external aggression;

AND WHEREAS it is necessary to provide for special measures to ensure the public safety and interest, the defence of India and civil defence and for the trial of certain offences and for matters connected therewith;

BE it, therefore, enacted by Parliament in the Thirteenth Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

1. *Short title, extent, application, duration and savings.*—(1) This Act may be called the Defence of India Act, 1962.

(2) It extends to the whole of India and it applies also—

- (a) to citizens of India outside India;
- (b) to persons in the service of the Government, wherever they may be;
- (c) in respect of the regulation and discipline of the naval, military and air forces or any other armed forces of the Union, to members of, and persons attached to, employed with, or following, those forces, wherever they may be;
- (d) to, and to persons on, ships and aircraft registered in India, wherever they may be.

(3) It shall remain in force during the period of operation of the Proclamation of Emergency issued on the 26th October, 1962, and for a period of six months thereafter but its expiry under the operation of this sub-section shall not affect—

- (a) the previous operation of, or anything duly done or suffered under, this Act or any rule made thereunder or any order made under any such rule, or
- (b) any right, privilege, obligation or liability acquired, accrued or incurred under this Act or any rule made thereunder or any order made under any such rule, or
- (c) any penalty, forfeiture or punishment incurred in respect of any offence under this Act or any contravention of any rule made under this Act or of any order made under any such rule, or
- (d) any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment as aforesaid;

and any such investigation, legal proceeding or remedy may be instituted, continued or enforced and any such penalty, forfeiture or punishment may be imposed as if this Act had not expired.

2. *Definitions.*—In this Act, unless the context otherwise requires,—

- (a) “civil defence” includes any measures not amounting to actual combat, for affording defence against any form of hostile attack by a foreign power or for depriving any form of hostile attack by a foreign power of its effect either wholly or in part whether such measures are taken before, during or after the time of the attack;

- (b) "Civil Defence Services" mean the services formed wholly or mainly to meet the needs of civil defence;
- (c) "enemy" means—
 - (i) any person or country committing external aggression against India;
 - (ii) any person belonging to a country committing such aggression;
 - (iii) such other country as may be declared by the Central Government to be assisting the country committing such aggression;
 - (iv) any person belonging to such other country;
- (d) "enemy territory" means—
 - (i) any area which is under the sovereignty of a country referred to in sub-clause (i), or a country referred to in sub-clause (iii), of clause (c) of this section;
 - (ii) any area which the Central Government may, by notification in the Official Gazette, specify to be enemy territory for the purposes of this Act or any rule made thereunder;
- (e) "military operations" means the operations of the Armed Forces of the Union;
- (f) "occupied territory" means any territory of India which is for the time being in the occupation of a country referred to in sub-clause (i) or a country referred to in sub-clause (iii), of clause (c) of this section;
- (g) "prescribed" means prescribed by rules made under this Act;
- (h) "Proclamation of Emergency" means the Proclamation issued under clause (1) of article 352 of the Constitution on the 26th October, 1962;
- (i) "State Government" in relation to a Union territory means the administrator thereof.

CHAPTER II

EMERGENCY POWERS

3. *Power to make rules.*—(1) The Central Government may, by notification in the Official Gazette, make such rules as appear to it necessary or expedient for securing the defence of India and civil defence, the public safety, the maintenance of public order or the efficient conduct of military operations, or for maintaining supplies and services essential to the life of the community.

(2) Without prejudice to the generality of the powers conferred by sub-section (1), the rules may provide for, and may empower any authority to make orders providing for, all or any of the following matters, namely:—

- (1) ensuring the safety and welfare of the Armed Forces of the Union, ships and aircrafts, and preventing the prosecution of any work likely to prejudice the operations of the Armed Forces of the Union;
- (2) prohibiting anything likely to prejudice the training, discipline or health of the Armed Forces of the Union;
- (3) preventing any attempt to tamper with the loyalty of persons in, or to dissuade (otherwise than with advice given in good faith to the person dissuaded for his benefit or that of any member of his family or any of his dependents) persons from entering, the service of the Government;
- (4) preventing or prohibiting anything likely to assist the enemy or to prejudice the successful conduct of military operations or civil defence including—
 - (a) communications with the enemy or agents of the enemy;
 - (b) acquisition, possession without lawful authority or excuse and publication of information likely to assist the enemy;

- (c) contribution to, participation or assistance in, the floating of loans raised by or on behalf of the enemy;
- (d) advance of money to, or contracts or commercial dealings with the enemy, enemy subjects or persons residing, carrying on business, or being, in enemy territory or occupied territory; and
- (e) acts, publications or communications prejudicial to civil defence or military operations;
- (5) preventing the spreading without lawful authority or excuse of reports or the prosecution of any purpose, likely to cause disaffection or alarm, or to prejudice India's relations with foreign powers or to prejudice maintenance of peaceful conditions in any area or part of India, or to promote feelings of ill-will, enmity or hatred between different classes of the people of India;
- (6) requiring the publication of news and information;
- (7) (a) prohibiting the printing or publishing of any newspaper, news-sheet, book or other document containing matters prejudicial to the defence of India and civil defence, the public safety, the maintenance of public order, the efficient conduct of military operations or the maintenance of supplies and services essential to the life of the community;
- (b) demanding security from any press used for the purpose of printing or publishing, and forfeiting the copies of, any news-paper, news-sheet, book or other document containing any of the matters referred to in sub-clause (a);
- (c) forfeiture of such security and the circumstances in which and the authority by whom such forfeiture may be ordered;
- (d) closing down any press or any premises used for the purpose of printing or publishing any newspaper, news-sheet, book or other document containing any of the matters referred to in sub-clause (a) in spite of the forfeiture of such security;
- (8) regulating the conduct of persons in respect of areas the control of which is considered necessary or expedient, and the removal of persons from such areas;
- (9) requiring any person or class of persons to comply with any scheme of defence or civil defence;
- (10) ensuring the safety of —
 - (a) ports, dockyards, lighthouses, light-ships and aerodromes;
 - (b) railways, tramways, roads, bridges, canals and all other means of transport by land or water;
 - (c) telegraphs, post offices, signalling apparatus and all other means of communication;
 - (d) sources and systems of water-supply, works for the supply of water, gas or electricity, and all other works for public purposes;
 - (e) vessels, aircraft, transport vehicles as defined in the motor Vehicles Act, 1939, (4 of 1939) and rolling stocks of railways and tramways;
 - (f) warehouses and all other places used or intended to be used for storage purposes;
 - (g) mines, oil-fields, factories or industrial or commercial undertakings generally, or any mine, oil-field, factory or industrial or commercial undertaking in particular;
 - (h) laboratories and institutions where scientific or technological research or training is conducted or imparted;
 - (i) all works and structures being part of, or connected with,

anything earlier mentioned in this clause; and

- (j) any other place or thing used or intended to be used for the purposes of Government or a local authority or a semi-Government or autonomous organisation, the protection of which is considered necessary or expedient for securing the defence of India and civil defence, the public safety, the public order, or the efficient conduct of military operations, or for maintaining supplies and services essential to the life of the community;
- (11) the demolition, destruction or rendering useless in case of necessity of any building or other premises or any other property;
- (12) prohibiting or regulating traffic, and the use of vessels, buoys, lights and signals, in ports and territorial, tidal and inland waters;
- (13) the control of lights and sounds;
- (14) the control of persons entering, travelling in or departing from, India;
- (15) notwithstanding anything in any other law for the time being in force,—
 - (i) the apprehension and detention in custody of any person whom the authority empowered by the rules to apprehend or detain (the authority empowered to detain not being lower in rank than that of a District Magistrate) suspects, on grounds appearing to that authority to be reasonable, of being of hostile origin or of having acted, acting, being about to act or being likely to act in a manner prejudicial to the defence of India and civil defence, the security of the State the public safety or interest, the maintenance of public order, India's relations with foreign States, the maintenance of peaceful conditions in any part or area of India or the efficient conduct of military operations, or with respect to whom that authority is satisfied that his apprehension and detention are necessary for the purpose of preventing him from acting in any such prejudicial manner,
 - (ii) the prohibition of such person from entering or residing or remaining in any area,
 - (iii) the compelling of such person to reside and remain in any area, or to do or abstain from doing anything, and
 - (iv) the review of orders of detention passed in pursuance of any rule made under sub-clause (i);
- (16) restricting and regulating the charter of foreign vessels and aircraft;
- (17) regulating the structure and equipment of vessels for the purpose of ensuring the safety thereof and of persons therein;
- (18) regulating work in dockyards, shipyards and aerodromes in respect of the construction and repairs of vessels and aircraft;
- (19) prohibiting or regulating the sailings of vessels from ports, traffic at aerodromes and the movement of aircraft, and traffic on railways, tramways and roads, and reserving and requiring to be adapted, for the use of the Government, all or any accommodation in vessels, aircraft, railways, tramways or road vehicles for the carriage of persons, animals or goods;
- (20) the impressment of vessels, aircraft, vehicles, and animals for transport;
- (21) prohibiting or regulating the use of postal, telegraphic or telephonic services, including the taking possession of such services, and the delaying, seizing, intercepting or interrupting of postal articles or telegraphic or telephonic messages;
- (22) regulating the delivery otherwise than by postal or telegraphic

- service of postal articles and telegrams;
- (23) the control of trade or industry for the purpose of regulating or increasing the supply of, and the obtaining of information with regard to articles or things of any description whatsoever which may be used in connection with the conduct of military operations or civil defence or for maintaining supplies and services essential to the life of the community;
 - (24) the control of generation, supply, distribution, use of consumption of electrical energy;
 - (25) the taking over by the Central Government or the State Government, for a limited period, of the management of any property (including any undertaking) relating to supplies and services essential to the life of the community;
 - (26) the control of agriculture (including the cultivation of agricultural land and crops to be raised therein) for the purpose of increasing the production and supply of foodgrains and other essential agricultural products;
 - (27) the provision, storage and maintenance of commodities and things required for the conduct of military operations or for the defence of India and civil defence;
 - (28) the requisition of services of persons for maintaining supplies and services essential to the life of the community;
 - (29) the provision, construction, maintenance or alteration of buildings, premises or other structures or excavations required for the conduct of military operations or the defence of India and civil defence;
 - (30) the protection of property by the performance of such fire prevention and other duties as may be allotted to any person;
 - (31) the securing of any building, premises or other structures from being readily recognisable in the event of a hostile attack by a foreign power;
 - (32) prohibiting, restricting or otherwise regulating the bringing into, or taking out of, India of goods or articles of any description (including coin, bullion, bank notes, currency notes, securities and foreign exchange), and bringing into any part or place in India of any such goods or articles as aforesaid intended to be taken out of India without being removed from the ship, aircraft or other conveyance in which they are being carried, and applying the provisions of the Sea Customs Act, 1878, (8 of 1878) and in particular section 19 thereof to such prohibitions, restrictions and regulations;
 - (33) controlling the possession, use or disposal of, or dealing in coin, bullion, bank notes, currency notes, securities or foreign exchange;
 - (34) the control of any road or pathway, waterway, ferry or bridge, river, canal or other source of water-supply;
 - (35) the requisitioning and acquisition of any movable property; and the principles on which and the manner in which compensation shall be determined and given in respect of such requisitioning or acquisition;
 - (36) the prevention of any corrupt practice or abuse of authority or other *mala fide* action in relation to the production, storage, purchase, sale, supply or transport of goods for any purpose connected with the defence of India and civil defence, the efficient conduct of military operations or the maintenance of supplies and services essential to the life of the community;
 - (37) the prevention of hoarding, profiteering, blackmarketing or adulteration of, or any other unfair practices in relation to any

- goods procured by or supplied to the Government or notified by or under the rules as essential to the life of the community;
- (38) prohibiting or regulating the possession, use or disposal of—
 - (a) explosives, inflammable substances, corrosive and other dangerous substances or articles, arms and ammunitions of war;
 - (b) vessels;
 - (c) wireless telegraphic apparatus;
 - (d) aircraft; and
 - (e) photographic and signalling apparatus and any means of recording information;
 - (39) prohibiting or regulating the bringing into, or taking out of, India and the possession, use or transmission of ciphers and other secret means of communicating information;
 - (40) prohibiting or regulating the publication of inventions and designs;
 - (41) prohibiting or regulating the publication of results of research work having a bearing on efforts relating to defence of India or military operations;
 - (42) preventing the disclosure of official secrets;
 - (43) prohibiting or regulating meetings, assemblies, fairs and processions;
 - (44) preventing or controlling any use of uniforms, whether official or otherwise, flags, official decorations like medals, badges and other insignia and anything similar thereto, where such use is calculated to deceive or to prejudice the public safety, the maintenance of public order, the defence of India and civil defence;
 - (45) ensuring the accuracy of any report or declaration legally required of any person;
 - (46) preventing the unauthorized change of names;
 - (47) preventing anything likely to cause misapprehension in respect of the identity of any official person, official document or official property or in respect of the identity of any person, document or property purporting to be, or resembling, an official person, official document or official property;
 - (48) the precautionary measures which the Government or any department thereof or any local authority, members of police forces and fire brigades and members of any other service or authority employed primarily for purposes other than civil defence purposes should be required to take within their respective jurisdictions or with respect to any personnel employed by them;
 - (49) the seizure and custody or destruction of injured, unclaimed or dangerous animals;
 - (50) the salvage of damaged buildings and property and disposal of the dead;
 - (51) the evacuation of areas and the removal of property for animals therefrom;
 - (52) the accommodation in any area of persons evacuated from another area and the regulation of the conduct of evacuated persons accommodated in such area;
 - (53) the billeting of evacuated persons or persons authorised to exercise functions under this Act;
 - (54) the instruction of members of the public in civil defence and their equipment for purposes of civil defence;
 - (55) the entry into, and search of, any place reasonably suspected of being used for any purpose prejudicial to the public safety or interest, to the defence of India and civil defence or to the efficient conduct of military operations, and for the seizure and disposal of anything found there and reasonably suspected of being used

- for such purpose;
- (56) the preparation of any scheme of defence service or any other service connected with the defence of India and requiring any person or class of persons to comply with such scheme;
 - (57) the eviction of unauthorised occupants from such public premises [as defined in the Public Premises (Eviction of Unauthorised Occupants) Act 1958 (32 of 1958)] as are, in the opinion of the Central Government required for the purposes connected with the defence of India and civil defence, the public safety or interest, the efficient conduct of military operations or the maintenance of supplies and services essential to the life of the community.
- (3) The rules made under sub-section (1) may further—
- (i) provide for the arrest and trial of persons contravening any of the rules or any order issued thereunder;
 - (ii) provide that any contravention of, or any attempt to contravene, or any abetment of, or any attempt to abet, the contravention of any of the provisions of the rules or any order issued under any such provision, shall be punishable with imprisonment for a term which may extend to seven years, or with fine, or with both;
 - (iii) provide for the seizure, detention and forfeiture of any property in respect of which such contravention, attempt or abetment as is referred to in clause (ii) has been committed and for the adjudication of such forfeiture whether by a court or by any other authority;
 - (iv) confer powers and impose duties—
 - (a) upon the Central Government or officers and authorities of the Central Government as respects any matter, notwithstanding that the matter is one in respect of which the State Legislature has power to make laws; and
 - (b) upon any State Government or officers and authorities of any State Government as respects any matter, notwithstanding that the matter is one in respect of which the State Legislature has no power to make laws;
 - (v) prescribe the duties and powers of public servants and other persons as regards preventing the contravention of, or securing the observance of, the rules or any order made thereunder;
 - (vi) provide for preventing obstruction and deception of, and disobedience to, any person acting, and interference with any notice issued, in pursuance of the rules or any order made thereunder;
 - (vii) prohibit attempts by any person to screen from punishment any one, other than the husband or wife of such person, contravening any of the rules or any order made thereunder;
 - (viii) empower or direct any authority to take such action as may be specified in the rules or as may seem necessary to such authority for the purpose of ensuring the public safety or interest or the defence of India and civil defence;
 - (ix) provide for charging fees in respect of the grant or issue of a license, permit, certificate or other document for the purposes of the rules.

4. *Special powers to control civilian personnel employed in connection with the armed Forces of the Union.*—The Central Government may, by notification in the Official Gazette, direct by general or special order that any persons who not being members of the Armed Forces of the Union are attached to, or employed with, or following those Forces, shall be subject to naval, military or air force law, and thereupon such persons shall be subject to discipline and

liable to punishment for offences under the Navy Act, 1957 (62 of 1957) the Army Act, 1950 (46 of 1950) and the Air Force Act 1950, (45 of 1950) as the case may be, as if they were included in such class of persons subject to any of those Acts as may be specified in the notification or in the absence thereof, by an officer empowered by the Central Government in this behalf.

5. *Enhanced penalties.*—(1) If any person contravenes, with intent to wage war against India or to assist any country committing external aggression against India, any provision of the rules made under section 3 or any order issued under any such rule, he shall be punishable with death or imprisonment for life, or imprisonment for a term which may extend to ten years and shall also be liable to fine.

(2) If any person,—

(a) contravenes any such provision of, or any such rule or order made under the Aircraft Act, 1934 (22 of 1934) as may be notified in this behalf by the Central Government, or

(b) in any area notified in this behalf by a State Government, contravenes any such provision of, or any such rule made under, the Arms Act, 1959 (54 of 1959) the Indian Explosives Act 1884 (4 of 1884), the Explosive Substances Act, 1908 (6 of 1908), or the Inflammable Substances Act, 1952 (20 of 1952), as may be notified in this behalf by the State Government,

he shall, notwithstanding anything contained in any of the aforesaid Acts or rules made thereunder, be punishable with imprisonment for a term which may extend to five years, or, if his intention is to assist any country committing external aggression against India, or, to wage war against India, with death, imprisonment for life or imprisonment for a term which may extend to ten years and shall in either case also be liable to fine.

(3) For the purposes of this section, any person who attempts to contravene, or abets or attempts to abet, or does any act preparatory to, a contravention of any provision of any law, rule or order shall be deemed to have contravened that provision.

6. *Temporary amendments to Acts.*—During the continuance in force of this Act,—

(1) the Indian Official Secrets Act, 1923 (19 of 1923) shall have effect as if—

(a) in sub-section (1) of section 5 thereof, after the words “in his possession or control”, the words “any information likely to assist the enemy as defined in the Defence of India Act, 1962, or” had been inserted; and after the words “in such a place”, the words “or which relates to or is used in, a protected area as defined in the rules made under the Defence of India Act, 1962, or relates to anything in such area”, had been inserted;

(b) for sub-section (4) of section 5 thereof, the following sub-section had been substituted, namely:—

“(4) A person guilty of an offence under this section shall be punishable with imprisonment for a term which may extend to five years, or if such offence is committed with intent to assist any country committing external aggression against India or to wage war against India, with death or imprisonment for life or imprisonment for a term which may extend to ten years and shall in either case also be liable to fine.”;

(c) after clause (a) of section 12 thereof, the following clause had been inserted, namely:—

“(aa) an offence under section 5 shall be a cognizable and non-bailable offence.”;

(2) the Aircraft Act, 1934 (22 of 1934) shall have effect as if—

(a) at the end of clause (r) of sub-section (2) of section 5, the following words had been inserted, namely:—

“including the taking of steps necessary to secure compliance with, or to prevent contravention of, the rules regulating such matters, or, where any such rule has been contravened, to rectify, or to enable proceedings to be taken in respect of, such contravention.”;

(b) in clause (b) of sub-section (1) of section 8, for the words, brackets, letters and figures “clause (h) or clause (i) of sub-section (2) of section 5”, the words, brackets, letters and figures “clause (d), (e), (h), (i), (k) or (l) of sub-section (2) of section 5, or the commission of an offence punishable under section 11,” had been substituted;

(c) in section 11, after the words “in the air”, the words “or in such a manner as to interfere with any of the Armed Forces of the Union or any ships or aircraft” had been inserted;

(d) in section 13, for the words, brackets, letters and figures “clause (i) of sub-section (2) of section 5” the words, brackets, letters and figures “clause (c), (d), (e), (h), (i), (j) or (k) of sub-section (2) of section 5 or punishable under section 11” had been substituted; and

(e) section 14 had been omitted;

(3) the Payment of Wages Act, 1936 (4 of 1936), shall have effect as if after clause (i) of sub-section (2) of section 7 thereof, the following clause had been inserted, namely:—

“(ii) deductions made with the written authorisation of—

(i) the employed person; or

(ii) the president or secretary of the registered trade union of which the employed person is a member on such conditions as may be prescribed,

for contribution to the National Defence Fund or to any Defence Savings Scheme approved by the State Government;”;

(4) the Motor Vehicles Act, 1939 (4 of 1939), (in this clause referred to as the “said Act”) shall have effect subject to the following provisions, namely:—

(a) the State Government may, by notification in the Official Gazette, authorise, subject to such conditions, if any, as it may think fit to impose, any person—

(i) also to perform such functions of the State Government under Chapter IV (in this clause referred to as the “said Chapter”) of the said Act, other than the making of rules as may be specified in the notification; and

(ii) to perform to the exclusion of the State Transport Authority or Regional Transport Authority, as the case may be, such functions of the State Transport Authority or any Regional Transport Authority under the said Chapter as may be specified in the notification;

and the expression “proper authority” in this clause shall, in relation to the performance of any such function as aforesaid, be construed in accordance with the provisions of such notification, if any, relating to that function;

(b) notwithstanding anything to the contrary in section 58 or section 62 of the said Act, the proper authority may grant a permit or a temporary permit under the said Chapter to be effective for any specified period or for the period of operation of this Act, whichever is less;

(c) the State Government may, by general or special order,

in writing, provide that the proper authority,—

- (i) in deciding to grant or refuse to grant a permit under the said Chapter, shall not be bound to take into consideration representations made by any persons other than the applicant for the permit or to follow the procedure laid down in section 57 of the said Act, and may take into consideration an application for a stage carriage permit or a public carrier's permit which has not complied with the provisions of sub-section (2) of that section;
- (ii) in fixing the maximum and minimum fares or freights for stage carriages and public carriers, shall not be bound to give the representatives of the interests affected an opportunity of being heard or to follow the procedure laid down in section 43 of the said Act, or where such action is taken for the purpose of preventing the charge of excess fares or freights, to have regard to any of the considerations set forth in clauses (a) to (d) of sub-section (1) of that section;
- (d) without prejudice to the provisions of section 60 of the said Act, the proper authority may, if in its opinion the public interest so requires, cancel, or modify the conditions of, or suspend for such period as it thinks fit, any permit or counter-signature under the said Chapter which is valid in its jurisdiction;
- (e) the Central Government or the State Government may, by general or special order in writing, exempt from all or any of the provisions of the said Chapter any transport vehicle used or required for use in connection with any work or purpose declared by the Central Government or, as the case may be, the State Government in the order to be a work or purpose connected with the defence of India, the conduct of military operations or civil defence;
- (f) if the State Government by general or special order in writing so directs, the provisions of sub-section (2) of section 38 of the said Act shall have effect in relation to any controlled motor vehicles specified in the order as if the words "not being in any case more than two years or less than six months" had been omitted.

Explanation.—In this clause "controlled motor vehicle" means any motor vehicle declared by the Government to be a controlled motor vehicle by order made in this behalf.

CHAPTER III

CIVIL DEFENCE SERVICES

7. *Constitution of Civil Defence Service.*—(1) The State Government may constitute for any area within the State a body of persons to be called the Civil Defence Service and may appoint a person (hereinafter called the Director) to command such body.

(2) Subject to any orders which the Central Government may make in this behalf, any member of a Civil Defence Service of any State may at any time be required to discharge functions in relation to civil defence in any other State and shall while so discharging such functions be deemed to be a member of a Civil Defence Service of that other State and be vested with the powers, functions and privileges and be subject to the liabilities of a member of a Civil Defence Service of that other State.

8. Appointment of members and officers.—(1) Any authority authorised in this behalf by the State Government may appoint as members of a Civil Defence Service so many persons who are fit and willing to serve as such as it is authorised by the State Government to appoint, and the Director may appoint any such member to any office or command in the Service.

(2) Every person so appointed to be a member of a Civil Defence Service shall be given a certificate of membership in such form as may be prescribed.

9. Dismissal of members of Civil Defence Service.—The Director or any other authority authorised in this behalf by the State Government may, by order in writing, dismiss summarily from a Civil Defence Service any member thereof if, in the opinion of the Director or such other authority, he fails to discharge satisfactorily, or is guilty of misconduct in the discharge of, his duties as such member, or his continued presence in the Service is otherwise undesirable.

10. Functions of members of Civil Defence Services.—(1) The members of a Civil Defence Service shall perform such functions in relation to the carrying out of measures for civil defence as may be assigned to them by rules made under this Act or by any other law for the time being in force.

(2) The Director or any person authorised in this behalf by the Director or by the State Government may by order at any time call out a member of a Civil Defence Service for training or to discharge any such functions as aforesaid.

11. Penalty.—If any member of a Civil Defence Service on being called out by an order under sub-section (2) of section 10 neglects or refuses without sufficient excuse to obey such order or to discharge his functions as a member of the Civil Defence Service or to obey any lawful order or direction given to him for the performance of his duties, he shall, on conviction by a competent court, be punishable with fine which may extend to five hundred rupees.

12. Power to make rules.—(1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Chapter.

(2) In particular, and without prejudice to the generality of the foregoing powers, such rules may—

- (a) prescribe the duties of members of Civil Defence Services and regulate the manner in which they may be called out for service;
- (b) regulate the organisation, appointment, conditions of service, discipline, accoutrement, and clothing of members of any or all of the Civil Defence Services;
- (c) prescribe the form of certificates of membership of any or all of the Civil Defence Services;
- (d) provide that a contravention of, or an attempt to contravene, and any abetment of or attempt to abet the contravention of, any of the provisions of the rules or of any order issued under any such provision shall be punishable with imprisonment for a term which may extend to seven years, or with fine, or with both;
- (e) provide for the arrest and trial of persons contravening, or reasonably suspected of contravening, any of the provisions of the rules or of any order issued under any such provision;
- (f) provide for the seizure, detention and forfeiture of any property in respect of which such contravention, attempt or abetment as is referred to in clause (d) has been committed;
- (g) prescribe the duties and powers of public servants and other persons as regards preventing the contravention of, or securing the observance of, the rules or of any order issued thereunder;
- (h) provide for preventing the obstruction and deception of, and disobedience to, any person acting, and interference with any notice issued, in pursuance of the rules or of any order issued thereunder;

- (i) prohibit attempts to screen from punishment any person contravening any of the rules.

CHAPTER IV SPECIAL TRIBUNALS

13. Constitution of Special Tribunals.—(1) The State Government may, for the whole or any part of the State, constitute one or more Special Tribunals which or each of which shall consist of three members appointed by that Government.

(2) No person shall be appointed as a member of a Special Tribunal unless he—

(a) is qualified under clause (2) of article 217 of the Constitution for appointment as a Judge of a High Court; or

(b) has for a total period of not less than three years exercised, whether continuously or not, the powers under the Code of Criminal Procedure, 1898 (5 of 1898) (hereafter in this Chapter referred to as the Code) of any one or more of the following namely—

(i) Sessions Judge, Additional Sessions Judge, Chief Presidency Magistrate, Additional Chief Presidency Magistrate,

(ii) District Magistrate, Additional District Magistrate.

(3) At least one member of a Special Tribunal shall be qualified for appointment thereto under clause (a) of sub-section (2), and where only one member is so qualified under that clause, at least one other member shall be qualified for appointment under clause (b) of that sub-section by virtue of having exercised powers exclusive of those specified in sub-clause (ii) of the said clause (b).

14. Jurisdiction of Special Tribunals.—During the period during which the Proclamation of Emergency is in operation, the State Government may, by general or special order, direct that a Special Tribunal shall try any offence—

(a) under any rule made under section 3, or

(b) punishable with death, imprisonment for life or imprisonment for a term which may extend to ten years under section 5 of this Act or under sub-section (4) of section 5 of the Indian Official Secrets Act, 1923, (19 of 1923), as amended by section 6 of this Act,

triable by any court having jurisdiction within the local limits of the jurisdiction of the Special Tribunal and may in any such order direct the transfer to the special Tribunal of any particular case from any other Special Tribunal or any other criminal court not being a High Court.

15. Procedure of Special Tribunals.—(1) A Special Tribunal may take cognizance of offences without the accused being committed to it for trial.

(2) Save in cases of trials of offences punishable with death or imprisonment for life or imprisonment for a term which may extend to five years or more, it shall not be necessary in any trial for a Special Tribunal to take down the evidence at length in writing, but the Special Tribunal shall cause a memorandum of the substance of what each witness deposes, to be taken down, and such memorandum shall be signed by a member of the Special Tribunal and shall form part of the record.

(3) A Special Tribunal shall not be bound to adjourn any trial for any purpose unless such adjournment is, in its opinion, necessary in the interests of justice.

(4) A Special Tribunal shall not, merely by reason of a change in its members be bound to recall and to re-hear any witness who has given evidence, and it may act on the evidence already recorded by or produced before it.

(5) After an accused person has once appeared before it, a Special Tribunal may try him in his absence if, in its opinion, his absence has been brought about by the accused himself for the purpose of impeding the course of justice, or if the behaviour of the accused in court has been such as, in the opinion of the Special Tribunal, to impede the course of justice.

(6) In the event of any difference of opinion among the members of a Special

Tribunal, the opinion of the majority shall prevail.

(7) The State Government may, by notification in the Official Gazette, make rules providing for—

- (i) the times and places at which Special Tribunals may sit; and
- (ii) the procedure to be adopted in the event of any member of a Special Tribunal being prevented from attending throughout the trial of any accused person.

(8) A Special Tribunal shall, in all matters in respect to which no procedure has been prescribed by this Act or by rules made thereunder, follow the procedure prescribed by the Code for the trial of warrant cases by Magistrates.

16. Exclusion of public from proceedings of Special Tribunals.—In addition, and without prejudice, to any powers which a Special Tribunal may possess by virtue of any law for the time being in force to order the exclusion of the public from any proceedings, if at any stage in the course of a trial of any person before a Special Tribunal, application is made by the prosecution, on the ground that the publication of any evidence to be given or of any statement to be made in the course of the trial would be prejudicial to the safety of the State, that all or any portion of the public shall be excluded during any part of the hearing, the Special Tribunal may make an order to that effect, but the passing of the sentence shall in any case take place in public.

17. Power of Special Tribunals.—A Special Tribunal shall have all the powers conferred by the Code on a Court of Session exercising original jurisdiction.

18. Sentences of Special Tribunals.—(1) A Special Tribunal may pass any sentence authorised by law.

(2) A person sentenced by a Special Tribunal—

- (a) to death or imprisonment for life, or
- (b) to imprisonment for a term of five years or more,

under this Act or the rules made thereunder or under sub-section (4) of section 5 of the Indian Official Secrets Act, 1923, (19 of 1923) as amended by section 6 of this Act,

shall have a right of appeal to the High Court within whose jurisdiction the sentence has been passed, but save as aforesaid and notwithstanding the provisions of the Code, or of any other law for the time being in force, or of anything having the force of law by whatsoever authority made or done, there shall be no appeal from any order or sentence of a Special Tribunal and no court shall have authority to revise such order or sentence, or to transfer any case from a Special Tribunal, or to make any order under section 491 of the Code, or have any jurisdiction of any kind in respect of any proceedings of a Special Tribunal.

(3) The powers conferred upon the appropriate Government by Chapter XXIX of the Code shall apply in respect of a person sentenced by a Special Tribunal.

CHAPTER V

EMPLOYMENT OF TECHNICAL PERSONNEL IN THE NATIONAL SERVICE

19. Definition.—In this Chapter, unless the context otherwise requires,—

- (a) “employment in the national service” means employment in a notified establishment in pursuance of an order passed under section 23;
- (b) “employer” means any person who employs technical personnel to do any work in a an establishment and includes any person entrusted with the supervision and control of technical personnel in such an establishment;
- (c) “establishment” means—
 - (i) any office; or
 - (ii) any place where any industry, trade, business or occupation is carried on; and includes any technical institution on or training centre established, selected or approved by the Central Government.

- (d) "National Service Tribunal" means a Tribunal constituted under section 21;
- (e) "notified establishment" means any Government establishment and any establishment declared by notification under sub-section (1) of section 22 to be engaged in work of national importance;
- (f) "notified occupation" means any occupation which Central Government may, by rules made under this Chapter, specify as a notified occupation for the purposes of this Chapter;
- (g) "technical personnel" means all persons who possess knowledge of or skill in one or more of the notified occupations, whether or not they are employed in any establishment, and includes such persons or class of persons undergoing training in any of those occupations in any establishment as may be declared by the Central Government by notification in the Official Gazette to be technical personnel for the purposes of this Chapter.

20. Liability for employment in national service.—All technical personnel, being citizens of India and not being members of the Armed Forces of the Union or members of any Reserve of any such Force who are liable under the terms of their service in such Reserve, to be called up for service at any time and not only on partial or general mobilisation, shall be liable under this Chapter to undertake employment in the national service.

21. National Service Tribunals.—(1) The Central Government shall constitute, for such areas and in such places as it thinks fit, National Service Tribunals to exercise the functions assigned to such tribunals by or under this Chapter.

(2) The composition, powers and procedure of National Service Tribunals shall be such as may be prescribed.

22. Notified establishments.—(1) The Central Government may, by notification in the Official Gazette, declare any establishment, which is engaged in work which, in the opinion of the Central Government, is likely to assist the defence of India and civil defence, the efficient conduct of military operations, or the maintenance or increase of supplies and services essential to the life of the community, to be an establishment engaged in work of national importance and thereupon such establishment shall be a notified establishment and while making such declaration, the Central Government may require that establishment to make such provisions as may be specified in the notification in regard to the terms of service and conditions of work of its employees.

(2) Every notified establishment shall be eligible to apply to a National Service Tribunal or to the Central Government for technical personnel and having so applied, shall take into its employment such technical personnel within such period and on such terms and conditions as may be prescribed.

23. Employment of technical personnel in the national service.—(1) Subject to any rules made in this behalf under this Chapter the Central Government may require a National Service Tribunal to report what technical personnel, whether employed in an establishment or not, is available within its jurisdiction for employment in the national service and may by order in writing,—

- (a) require the employer in any establishment by which such technical personnel is employed to release such personnel as may be specified in the order, for employment in the national service;
- (b) direct any technical personnel to undertake such employment in the national service as may be specified in the order;
- (c) direct that any technical personnel engaged in any establishment under conditions not amounting to employment in the national service shall, for the purposes of sub-section (8), be deemed to have been taken into employment in the national service; and
- (d) require any notified establishment, notwithstanding that it has not made any application under section 22, to take into its employment such technical personnel within such period as may be specified in

the order.

(2) Notwithstanding anything in sub-section (1), a National Service Tribunal may—

- (a) exercise the powers conferred on the Central Government by clauses (a) and (b) of sub-section (1);
- (b) require by order any employer to give training in his establishment to persons for qualifying them as technical personnel;
- (c) direct by order technical personnel to present themselves at such place and time as may be specified in the order for interview or inquiry, and if so required, for submission to a test of their technical skill.

(3) Any order made by the Central Government under sub-section (1) and by a National Service Tribunal under sub-section (2) shall be complied with within such period or on such date as may be specified in this behalf in the order.

(4) The Central Government or, as the case may be, a National Service Tribunal, may, by order in writing, transfer technical personnel from one form or place of employment in the national service to another, and the employer and the personnel concerned shall comply with such order.

(5) No person included in the definition of technical personnel, who has been directed to undertake employment in the national service or transferred from one form or place of employment to another under the foregoing provisions, shall be discharged from or leave his employment in such service unless the employer or person concerned has previously obtained the permission of the Central Government or, as the case may be, of the National Service Tribunal.

(6) Any person included in the definition of technical personnel who is required to undertake employment in the national service or transferred from one form or place of employment to another under the foregoing provisions of this section, may be required by the Central Government, or, as the case may be, the National Service Tribunal concerned, to submit himself to be examined by such medical authority as may be prescribed.

(7) An appeal shall lie to the Central Government against any order passed by a National Service Tribunal under this section and the decision of the Central Government shall be final.

(8) The terms of service of technical personnel taken into employment in the national service shall be such as may be prescribed:

Provided that any rights which such technical personnel may have under the provident or superannuation fund or other scheme relating to gratuity, bonus or other benefit for the advantage of employees maintained by the establishment from which they are released shall be preserved.

24. Re-instatement.—(1) Every person who was employed in an establishment immediately before his employment in the national service and whose employment in the national service has not been terminated by dismissal for serious misconduct shall, on his release from such employment in the national service be entitled to be reinstated in his former employment, in accordance with such conditions as may be prescribed;

Provided that in determining such conditions regard shall be had to the additional skill and experience acquired by him in the course of his employment in the national service.

(2) The Central Government may by rules made in this behalf provide for the appointment of Technical Personnel (Reinstatement) Tribunals to deal with such matters in relation to reinstatement of persons released from employment in the national service as may be prescribed.

25. Relinquishment of employment by, dismissal of, and engagement by establishment of, technical personnel.—(1) Subject to any rules made in this behalf, a National Service Tribunal may require any establishment (including a notified establishment) to post before a specified date and to keep posted, on its

premises notices intimating that—

- (a) no person included within the definition of technical personnel who is employed in the establishment shall at any time after the posting of the notice, leave his employment without the previous permission in writing of the National Service Tribunal;
- (b) if the National Service Tribunal refuses such permission, that tribunal may lay down, subject to the prescribed conditions, the terms of service on which the employer shall continue to retain him in a employment;
- (c) if any such person leaves his employment without the previous permission in writing of the Tribunal as aforesaid he may be directed by the Tribunal to return to his employment.

(2) After notices referred to in sub-section (1) have been posted on the premises of any establishment (including a notified establishment), no employer in the establishment shall engage, discharge or dismiss any person included in the definition of technical personnel except in accordance with rules made in this behalf.

26. Penalties and procedure.—(1) Whoever contravenes any order of the Central Government or of a National Service Tribunal made under section 23 or wilfully fails to comply with any summons, requirement, direction or order issued or made by the Central Government or by a National Service Tribunal under any other provision of this Chapter shall be punishable with imprisonment for a term not exceeding six months, or with fine not exceeding one thousand rupees, or with both.

(2) No court shall take cognizance of any offence punishable under sub-section (1) except with the previous sanction in writing,—

- (a) in the case of contravention of any order or any wilful failure to comply with any summons, requirement or direction of the Central Government, of the Central Government;
- (b) in the case of contravention of any order or any wilful failure to comply with any summons, requirement or direction of a National Service Tribunal of the National Service Tribunal.

(3) Notwithstanding anything contained in the Code of Criminal Procedure, 1898, (5 of 1898) an offence punishable under sub-section (1) shall be cognizable.

(4) No Court inferior to a Presidency Magistrate or a Magistrate of the First Class shall try any offence punishable under sub-section (1).

27. Service of summons, notices, orders, etc.—Any summons, notice requirement, direction or order issued, made or given to any person under this Chapter may be served by being sent by registered post addressed to that person at his last known residence.

28. Power to make rules.—(1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Chapter.

(2) Without prejudice to the generality of the foregoing power, such rules may prescribe—

- (a) the occupations which shall be notified occupations for the purposes of this Chapter;
- (b) the composition, powers and procedure of National Service Tribunals;
- (c) the technical personnel, which may be taken into the employment of any notified establishment under sub-section (2) of section 22 and section 22 and the period within which and the terms and conditions on which such personnel shall be so taken;
- (d) the medical authority before whom any person may be required to submit himself for examination under sub-section (6) of section 23;
- (e) the terms of service of technical personnel taken into employment in the national service;

- (f) the conditions in accordance with which persons released from employment in the national service may be reinstated in their former employment;
- (g) the appointment of Technical Personnel (Reinstatement) Tribunals and the matters in relation to reinstatement which such Tribunals may be required to deal with;
- (h) the provisions relating to engagement, discharge or dismissal of persons by any employer in any establishment on the premises of which notices have been posted under sub-section (1) of section 25;
- (i) any other matter which may be prescribed or which is to be provided for by rules.

(3) Any rule made under this Chapter may provide that a contravention of the rule shall be punishable with imprisonment for a term not exceeding six months, or with fine not exceeding one thousand rupees, or with both.

CHAPTER VI

REQUISITIONING AND ACQUISITION OF IMMOVABLE PROPERTY

29. Requisitioning of immovable property.—(1) Notwithstanding anything contained in any other law for the time being in force, if in the opinion of the Central Government or the State Government it is necessary or expedient so to do for securing the defence of India, civil defence, public safety, maintenance of public order or efficient conduct of military operations, or for maintaining supplies and services essential to the life of the community, that Government may by order in writing requisition any immovable property and may make such further orders as appear to that Government to be necessary or expedient in connection with the requisitioning:

Provided that no property or part thereof which is exclusively used by the public for religious worship shall be requisitioned.

(2) The requisition shall be effected by an order in writing addressed to the person deemed by the Central Government or the State Government, as the case may be, the owner or person in possession of the property and such order shall be served in the prescribed manner on the person to whom it is addressed.

(3) Whenever any property is requisitioned under sub-section (1), the period of such requisition, shall not extend beyond the period for which such property is required for any of the purposes mentioned in that sub-section.

30. Payment of compensation.—Whenever in pursuance of section 29 the Central Government or the State Government, as the case may be, requisitions any immovable property, there shall be paid to the persons interested compensation the amount of which shall be determined by taking into consideration the following, namely:—

- (i) the rent payable in respect of the property or if no rent is payable, the rent payable in respect of similar property in the locality;
- (ii) if in consequence of the requisition of the property the person interested is compelled to change his residence or place of business, the reasonable expenses (if any) incidental to such change;
- (iii) such sum or sums, if any, as may be found necessary to compensate the person interested for damage caused to the property on entry after requisition or during the period of requisition, other than normal wear and tear:

Provided that where any person interested being aggrieved by the amount of compensation so determined makes an application within the prescribed time to the Central Government or the State Government, as the case may be, for referring the matter to an arbitrator, the amount of compensation to be paid shall be such as the arbitrator appointed in this behalf by the Central Government or the State Government, as the case may be, may determine:

Provided further that where there is any dispute as to the title to receive the compensation or as to the apportionment of the amount of compensation, it

shall be referred to an arbitrator appointed in this behalf by the Central Government or the State Government, as the case may be, for determination, and shall be determined in accordance with the decision of such arbitrator.

Explanation.—In this section and in section 37, the expression “person interested” in relation to any property includes all persons claiming or entitled to claim an interest in the compensation payable on account of the requisitioning or acquisition of that property under this Act.

31. Power to obtain information and give direction.—The Central Government or the State Government, as the case may be, may, with a view to requisitioning any property under section 29 or determining the compensation payable under section 30, by order—

- (a) require any person to furnish to the authority mentioned therein such information in his possession relating to any property as may be specified;
- (b) direct that the owner, occupier or the person in possession of the property shall not, without the permission of Government, dispose of it or where it is a building, structurally alter it till the expiry of such period as may be specified in the order.

32. Power of entry into, and inspection of, property etc.—Any person authorised in this behalf by the Central Government or the State Government, as the case may be, may enter into any immovable property and inspect such property for the purpose of determining whether, and if so in what manner, an order under section 29 should be made in relation to such property or with a view to securing compliance with any order made under that section.

33. Eviction from requisitioned property.—(1) Any person remaining in possession of any requisitioned property in contravention of any order made under section 29 may be summarily evicted from the property by any officer empowered in this behalf by the Central Government or the State Government, as the case may be.

(2) Any officer so empowered may, after giving to any woman not appearing in public reasonable warning and facility to withdraw, remove or open any lock or bolt or break open any door of any building or do any other act necessary for effecting such eviction.

34. Penalty for contravention of any order regarding requisitioning.—If any person contravenes any order made under section 29 or section 31, he shall be punishable with imprisonment for a term which may extend to one year, or with fine, or with both.

35. Release from requisition.—(1) Where any property requisitioned under section 29 is to be released from such requisition, the Government by which or under whose authority the property was requisitioned or any person generally or specially authorised by it in this behalf may, after such inquiry, if any, as it or he may in any case, consider necessary to make or cause to be made, specify by order in writing the person to whom possession of the property shall be given and such possession shall, as far as practicable, be given to the person who appears to the Government or, as the case may be, the person authorised as aforesaid, to be entitled to the possession of the property at the time such order is made.

(2) The delivery of possession of the property to the person specified in the order under sub-section (1) shall be a full discharge of the Government from all liabilities in respect of the property, but shall not prejudice by any rights in respect of the property which any other person may be entitled by due process of law to enforce against the person to whom possession of the property is delivered.

36. Acquisition of requisitioned property.—(1) Any immovable property which has been requisitioned under section 29 may, in the manner hereinafter provided, be acquired in the circumstances and by the Government specified below, namely:—

- (a) where any works have, during the period of requisition, been constructed on, in or over the property wholly or partly at the expense

of any Government, the property may be acquired by that Government if it decides that the value of or the right to use, such works shall, by means of the acquisition of the property, be preserved or secured for the purposes of any Government, or

- (b) where the cost to any Government of restoring the property to its condition at the time of its requisition as aforesaid would, in the determination of that Government be excessive having regard to the value of the property at that time, the property may be acquired by that Government.

(2) When any Government as aforesaid decides to acquire any immovable property, it shall serve on the owner thereof or where the owner is not readily traceable or the ownership is in dispute, by publishing in the Official Gazette, a notice stating that the Government has decided to acquire it in pursuance of this section.

(3) Where a notice of acquisition is served on the owner of the property or is published in the Official Gazette under sub-section (2), then, at the beginning of the day on which the notice is so served or published, the property shall vest in the Government free from any mortgage, pledge, lien or other similar encumbrances and the period of requisition thereof shall come to an end.

(4) Any decision or determination of a Government under sub-section (1) shall be final, and shall not be called in question in any court.

(5) For the purposes of this section, "works" includes every description of buildings, structures and improvements of the property.

37. Compensation for acquisition of requisitioned property.—(1) The compensation payable for the acquisition of any property under section 36 shall be—

- (a) the price which the requisitioned property would have fetched in the open market if it had remained in the same condition as it was at the time of requisitioning and been sold on the date of acquisition, or

- (b) twice the price which the requisitioned property would have fetched in the open market if it had been sold on the date of the requisition,

whichever is less.

(2) Where any person interested is aggrieved by the amount of compensation determined in accordance with sub-section (1), he may make an application within the prescribed time to the Central Government or the State Government, as the case may be, for referring the matter to an arbitrator appointed in this behalf by the Central Government or the State Government, and the amount of compensation to be paid shall be such as may be determined by the arbitrator in accordance with sub-section (1).

(3) The provisions of section 31 and section 32 shall apply in relation to the acquisition of any property or the determination of compensation for such acquisition as they apply in relation to the requisitioning of any property or the determination of compensation for such requisitioning.

(4) Where there is any dispute as to the title to receive the compensation or as to the apportionment of the amount of compensation, it shall be referred to an arbitrator appointed in this behalf by the Central Government or the State Government, as the case may be, for determination, and his decision thereon shall be final.

38. Power to make rules.—(1) The Central Government or the State Government, as the case may be, may by notification in the Official Gazette, make rules for carrying out the purposes of this Chapter.

(2) In particular, and without prejudice to the generality of the foregoing powers, such rules may prescribe—

- (a) the procedure to be followed in arbitration proceedings under this Chapter;

- (b) the period within which the owner of any property or any other person interested in the amount of compensation may apply to the Government concerned for referring the matter to an arbitrator;

- (c) the principles to be followed in apportioning the costs of proceedings before the arbitrator;
- (d) the method of payment of compensation;
- (e) the manner of service of notice and orders;
- (f) any other matter which has to be, or may be, prescribed.

39. *Certain properties requisitioned under previous law to be deemed to be requisitioned under this Chapter.*—Any property referred to in sub-section (2) of section 24 of the Requisitioning and Acquisition of Immovable Property Act, 1952, (30 of 1952) which continued, immediately before the commencement of that Act, to be subject to requisition under the Requisitioned Land (Continuance of Powers) Act, 1947 (17 of 1947) and has not immediately before the commencement of this Act, been released from requisitioning shall, notwithstanding anything contained in any other law for the time being in force or in any judgment, decree or order of any court, be deemed to be the property requisitioned under sub-section (1) of section 29 if such property is, in the opinion of the Central Government, now required for any of the purposes specified in that sub-section:

Provided that—

- (a) all agreements or awards for the payment of compensation in respect of any such property for any period of requisition before the commencement of this Act and in force immediately before such commencement, shall continue to be in force and shall apply to the payment of compensation in respect of that property for any period after such commencement;
- (b) anything done or any action taken (including any orders, notifications or rules made or issued) under the Requisitioning and Acquisition of Immovable Property Act, 1952, (30 of 1952) or under the Requisitioned Land (Continuance of Powers) Act, 1947 (17 of 1947) and continued under the first-mentioned Act, shall, in so far as it is not inconsistent with the provisions of this Chapter or any rules or orders made thereunder, be deemed to have been done or taken under this Chapter.

CHAPTER VII.

SUPPLEMENTAL

40. *Power to delegate.*—(1) The Central Government may, by order, direct that any power or duty which by this Act or by any rule made under this Act is conferred or imposed upon the Central Government shall, in such circumstances and under such conditions, if any, as may be specified in the direction, be exercised or discharged also—

- (a) by any officer or authority subordinate to the Central Government, or
- (b) whether or not the power or duty relates to a matter with respect to which a State Legislature has power to make laws, by any State Government, or by any officer or authority subordinate to such Government, or
- (c) by any other authority.

(2) The State Government may, by order, direct that any power or duty which by this Act or by any rule made under this Act is conferred or imposed on the State Government or which being by this Act or any such rule conferred or imposed on the Central Government has been directed under sub-section (1) to be exercised or discharged by the State Government, shall, in such circumstances and under such conditions, if any, as may be specified in the direction, be exercised or discharged by any officer or authority not being (except in the case of a Union territory) an officer or authority subordinate to the Central Government.

41. Rules to be laid before Houses of Parliament.—Every rule made by the Central Government under this Act shall be laid, as soon as may be after it is made, before each House of Parliament while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if before the expiry of the session in which it is so laid or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so however that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

42. Jurisdiction of ordinary courts.—(1) Except as may be provided in this Act or in any rule made thereunder or in any order made under any such rule by the Central Government or the State Government or by an officer not below the rank of Collector empowered under sub-section (1) or sub-section (2) of section 40 to make such order, the ordinary criminal and civil courts shall continue to exercise jurisdiction.

(2) For the removal of doubts, it is hereby declared that any provision in any such rule or order as aforesaid to the effect that the decision of any authority not being a court shall be final or conclusive shall be a sufficient excepting provision within the meaning of sub-section (1).

43. Effect of Act and rules etc., inconsistent with other enactments.—The provisions of this Act or any rule made thereunder or any order made under any such rule shall have effect notwithstanding anything inconsistent therewith contained in any enactment other than this Act or in any instrument having effect by virtue of any enactment other than this Act.

44. Ordinary avocations of life to be interfered with as little as possible.—Any authority or person acting in pursuance of this Act shall interfere with the ordinary avocations of life and the enjoyment of property as little as may be consonant with the purpose of ensuring the public safety and interest and the defence of India and civil defence.

45. Savings as to orders.—(1) No order made in exercise of any power conferred by or under this Act shall be called in question in any court.

(2) Where an order purports to have been made and signed by any authority in exercise of any power conferred by or under this Act, a court shall, within the meaning of the Indian Evidence Act, 1872 (1 of 1872) presume that such order was so made by that authority.

46. Chapter III not to apply to measures taken for the protection of Armed Forces.—Unless otherwise expressly provided in any rules or orders made under Chapter III, nothing contained in that Chapter or any such rules or orders shall apply to the Armed Forces of the Union or to any measures taken by any of the authorities in control of the Armed Forces for the purpose of securing the defence or safety of such forces or for the protection of any naval, military or air force installations or stores.

47. Protection of action taken under the Act.—(1) No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done in pursuance of this Act or any rules made thereunder or any orders issued under any such rule.

(2) Save as otherwise expressly provided under this Act, no suit or other legal proceeding shall lie against the Government for any damage caused or likely to be caused by anything in good faith done or intended to be done in pursuance of this Act or any rule made thereunder or any order issued under any such rule.

48. Repeal and saving.—(1) The Defence of India Ordinance, 1962, (4 of 1962), and the Defence of India (Amendment) Ordinance, 1962, (6 of 1962) are hereby repealed.

(2) Notwithstanding such repeal, any rules made, anything done or any action taken under the Defence of India Ordinance, 1962, (4 of 1962) as amended

by the Defence of India (Amendment) Ordinance, 1962, (6 of 1962) shall be deemed to have been made, done or taken under this Act as if this Act had commenced on the 26th October, 1962.

49. Validation of certain requisitions.—All property, immovable or movable, purporting to have been requisitioned under the Defence of India Ordinance, 1962, (4 of 1962) on or after the 26th October, 1962, and before the coming into force of the relevant provisions of that Ordinance or the Defence of India Rules, 1962 made thereunder, shall be deemed to have been validly requisitioned, as if that Ordinance and those rules had been in force on and from the 26th October, 1962 and accordingly, the provisions of this Act and those rules shall apply to and in relation to such requisition.

THE DEFENCE OF INDIA RULES, 1962

G.S.R. 1465.—In exercise of the powers conferred by section 3 of the Defence of India Ordinance, 1962 (4 of 1962), the Central Government hereby make the following rules, namely:—

PART I

PRELIMINARY

1. *Short Title.*—These Rules may be called the Defence of India Rules, 1962.
2. *Definitions.*—In these Rules, unless the context otherwise requires:—
 - (1) “enemy” means any person or country committing external aggression against India;
 - (2) “enemy territory” means—
 - (a) any area which is under the sovereignty of, or administered by, or for the time being in the occupation of, a country committing external aggression against India and a country assisting the country committing such aggression;
 - (b) any area which may be notified by the Central Government to be enemy territory for the purposes of these Rules or such of them as may be specified in the notification;
 - (3) “notified” and “notification” means notified and notification respectively in the Official Gazette;
 - (4) “Ordinance” means the Defence of India Ordinance, 1962 (4 of 1962);
 - (5) “prescribed” means prescribed by any order, direction or regulation made or given in pursuance of any of these Rules;
 - (6) “prisoner” means any person captured in the course of military operations;
 - (7) “prohibited place” means a prohibited place as defined in clause (8) of section 2 of the Indian Official Secrets Act, 1923 (19 of 1923);
 - (8) “protected place” means a place declared under rule 7 to be a protected place;
 - (9) “protected area” means an area declared under rule 8 to be a protected area;
 - (10) “public servant” includes any public servant as defined in the Indian Penal Code (45 of 1860) and any employee of any Railway administration or of any autonomous organisation engaged in work which is considered by the Central Government to be work of national importance;
 - (11) “State Government” in relation to a Union territory means the Administrator thereof.
3. *Interpretation.*—(1) The General Clauses Act, 1897 (10 of 1897), shall apply to the interpretation of these Rules as it applies to the interpretation of a Central Act.
 - (2) Any reference in these Rules to the forces, vessels, aircraft, servants, citizens of India or prisoners shall, unless the context otherwise requires, be deemed to include the forces, vessels, aircraft, servants, citizens or subjects, or prisoners as the case may be, of any foreign State having friendly relations with India.
 - (3) Any reference in these Rules to the master of a vessel or the pilot of an aircraft shall be construed as including a reference to the person for the time being in charge of the vessel or aircraft, as the case may be.
 - (4) Any reference in these Rules to a Central Act, shall, in relation to any area wherein that Central Act is not in force, be construed as including a reference to the corresponding law in force in that area.
4. *Saving.*—No prohibition, restriction or disability imposed by these Rules, or by any order made or direction given thereunder not being an order or direction of the Central Government, or of an officer specially authorised by the Central Government in this behalf expressly providing the contrary shall

apply to anything done by or under the direction of any member of the Armed forces or any public servant acting in the course of his duty as such member or public servant.

5. *Non-compliance with these Rules or orders made thereunder.*—If any person to whom any provision of these Rules relates, or to whom any order made in pursuance of these Rules is addressed or relates, or who is in occupation, possession or control of any land, building, vehicle, vessel, aircraft or other thing to which such provision relates, or in respect of which such order is made—

(a) fails without lawful authority or excuse, himself, or in respect of any land, building, vehicle, vessel, aircraft or other thing of which he is in occupation, possession or control, to comply, or to secure compliance, with such provision or order, or

(b) evades, or attempts to evade, by any means such provision, or order,—

he shall be deemed to have contravened such provision or order; and in these Rules the expression “contravention” with its grammatical variations includes any such failure, evasion or attempt to evade.

PART II

ACCESS TO CERTAIN PREMISES AND AREAS

6. *Prohibited Places.*—(1) No person shall, without the permission of the Central Government or the State Government, enter, or be on or in, or pass over, or loiter in the vicinity of, any prohibited place.

(2) Where in pursuance of sub-rule (1) any person is granted permission to enter, or to be on or in, or to pass over, a prohibited place, that person shall, while acting under such permission comply with such orders for regulating his conduct as may be given by the Central Government or the State Government.

(3) Any police officer or any other person authorised in this behalf by the Central Government or the State Government, may search any person entering, or seeking to enter, or being on or in, or leaving or passing over or seeking to pass over a prohibited place, and any vehicle, vessel, aircraft or article brought in by such person and may, for the purpose of the search, detain such person, vehicle, vessel, aircraft and article:

Provided that no female shall be searched in pursuance of this sub-rule except by a female.

(4) If any person is in a prohibited place in contravention of this rule, then, without prejudice to any other proceedings which may be taken against him, he may be removed therefrom by any police officer or by any other person authorised in this behalf by the Central Government or the State Government.

(5) If any person is in a prohibited place in contravention of any of the provisions of this rule, he shall be punishable with imprisonment for a term which may extend to three years or with fine or with both.

7. *Protected places.*—If as respects any place or class of places, the Central Government, or the State Government considers it necessary or expedient that special precautions should be taken to prevent the entry of unauthorised persons, that Government may by order declare that place, or, as the case may be, every place of that class, to be a protected place; and thereupon the provisions of the Indian Official Secrets Act, 1923 (19 of 1923), shall have effect in relation to such place or places as if references therein to a prohibited place and the Central Government were construed as references to a protected place and the Government making the declaration and the provisions of rule 6 shall have effect in relation to such place or places as if references therein to a prohibited place were construed as references to a protected place.

8. *Protected Area.*—(1) If the Central Government or the State Government considers it necessary or expedient to regulate the entry of persons into any area, that Government may, without prejudice to the provisions of any other rule, by order declare the area to be a protected area; and thereupon, for so long as

the order is in force, such area shall be a protected area for the purposes of these Rules.

(2) On and after such day as may be specified in, and subject to any exemptions for which provision may be made by, an order made under sub-rule (1), no person who was not at the beginning of the said day resident in the area declared to be a protected area by the said order shall be therein except in accordance with the terms of a permit in writing granted to him by an authority or person specified in the said order.

(3) Any police officer, or any other person authorised in this behalf by the Central Government or the State Government, may search any person entering or seeking to enter, or being on or in, or leaving, a protected area, and any vehicle, vessel, aircraft or article brought in by such person, and may, for the purpose of the search, detain such person, vehicle, vessel, aircraft and article:

Provided that no female shall be searched in pursuance of this sub-rule except by a female.

(4) If any person is in or passes over a protected area in contravention of the provisions of this rule, then, without prejudice to any other proceedings which may be taken against him, he may be removed therefrom by or under the direction of any police officer or any member of the Armed forces of the Union on duty in the protected area.

(5) If any person is in a protected area in contravention of any of the provisions of this rule, he shall be punishable with imprisonment for a term which may extend to three years or with fine or with both.

9. *Forcing or evading a guard.*—Any person who effects or attempts to effect entry into or passes over or attempts to pass over a prohibited place, protected place or protected area,—

(a) by using, or threatening to use, criminal force to any person posted for the purpose of protecting or of preventing or controlling access to, such place or area, or

(b) after taking precautions to conceal his entry or attempted entry from any such person,

shall be punishable with imprisonment for a term which may extend to seven years.

10. *Orders for certain places and areas.*—(1) Without prejudice to the provisions of any other rule, the Central Government or the State Government, as respects—

(a) any prohibited place,

(b) any place or area declared by it to be a protected place or protected area, or

(c) any other place or area in relation to which it appears to it to be necessary to take special precautions in the interests of the defence of India and Civil Defence, the public safety, the maintenance of public order, the efficient conduct of military operations, or the maintenance of supplies and services essential to the life of the community,

may make orders for controlling or regulating the admission of persons to, and the conduct of persons in, and in the vicinity of, such place or area.

(2) Without prejudice to the generality of the foregoing provisions, orders made under sub-rule (1) in relation to any place or area may make provision—

(a) for restricting the admission of persons to such place or area and for removing therefrom any person who is therein in contravention of the orders or who has been convicted of—

(i) any contravention of the provisions of these Rules, or

(ii) any offence against public order or decency;

(b) for requiring the presence of any person or class of persons in such place or area to be notified to a prescribed authority and for requiring any person who has been convicted of any such offence

as is mentioned in clause (a) of this sub-rule to report his movements while in such place or area and to observe any other condition imposed upon him by a prescribed authority;

(c) for requiring any person or class of persons in such place or area to carry such documentary evidence of identity as may be prescribed; and

(d) for prohibiting any person or class of persons from being in possession or control of any prescribed article.

(3) An order made under this rule in respect of a prohibited place, protected place or protected area may exempt such place or area from all or any of the provisions of these rules which are expressed to apply to or in relation to a prohibited place, protected place or protected area, as the case may be, or may direct that all or any of the said provisions shall apply subject to such modifications as may be specified in the order.

(4) An order made under this rule in respect of a place or area which is not a prohibited place, protected place or protected area may direct that all or any of the provisions of these rules which are expressed to apply to or in relation to a prohibited place, protected place or protected area, as the case may be, shall apply to or in relation to the place or area in respect of which the order is made either without modification or subject to such modifications as may be specified in the order.

(5) If any person contravenes any order made under this rule, he shall be punishable with imprisonment for a term which may extend to three years, or with fine, or with both.

11. *Trespassing on certain premises.*—(1) No person shall—

(a) unlawfully enter or board any vehicle, vessel or aircraft used or appropriated for any of the purposes of the Government, or trespass on premises in the vicinity of any such vehicle, vessel or aircraft, or

(b) trespass on, or on premises in the vicinity of, any premises used or appropriated for any of the purposes of the Government or for defence against, or protection from, an enemy.

(2) If any person is found trespassing on any premises in contravention of the provisions of sub-rule (1), or is found on any vehicle, vessel or aircraft which he has entered or boarded without lawful authority, he may, without prejudice to any other proceedings which may be taken against him, be removed from such premises, vehicle, vessel or aircraft, as the case may be, by any police officer or any other person acting on behalf of Government, or by the person occupying the premises or being in charge of the vehicle, vessel or aircraft, or any person authorised by him.

(3) No person shall, for any purpose prejudicial to the public safety or to the defence of India, be in, or in the vicinity of, any such premises or any such vehicle, vessel or aircraft as are referred to in sub-rule (1); and where, in any proceedings taken against a person by virtue of this sub-rule, it is proved that at the material time he was present in, or in the vicinity of the premises, vehicle, vessel or aircraft concerned, the prosecution may thereupon adduce such evidence of the character of that person (including evidence of his having been previously convicted of any offence) as tends to show that he was so present for a purpose prejudicial to the public safety or to the defence of India.

(4) If any person contravenes any of the provisions of this rule, he shall be punishable with imprisonment for a term which may extend in the case of a contravention of sub-rule (3) to seven years and in any other case to three years, or with fine or with both.

12. *Loitering near certain premises.*—(1) No person loitering in the vicinity of any prohibited place or protected place or of any such premises, vehicle, vessel or aircraft as are referred to in sub-rule (1) of rule 11 shall continue to loiter in that vicinity after being ordered to leave it by any police officer or any

other person acting on behalf of Government or by the person in occupation of the said premises or being in charge of the said vehicle, vessel or aircraft, or any person authorised by him.

(2) If any person contravenes the provisions of sub-rule (1), he shall be punishable with imprisonment for a term which may extend to three years or with fine or with both.

13. Power to close roads, etc.—(1) The Central Government or the State Government may, by order, prohibit or restrict for such period as may be specified in the order,—

(a) the use of any road, pathway, canal or waterway;

(b) the passage of any person, animal or vehicle over any land.

(2) If any person contravenes any order made under sub-rule (1), he shall be punishable with imprisonment for a term which may extend to six months or with fine or with both.

PART III

CONTROL OF SIGNALLING, TELEGRAPHY, POSTAL COMMUNICATIONS, ETC.

14. Prohibition of signalling.—(1) Save as hereinafter provided, no person shall make any signal, either visually or otherwise, in such circumstances as show that the signal—

(a) is intended to be received by a person on board a vessel at sea or an aircraft in flight, or

(b) being made from a vessel at sea or an aircraft in flight, is intended to be received by a person not on board such vessel or aircraft, or

(c) being made in an area notified by the Central Government in this behalf, is intended to be received by a person outside the external land frontiers of India:

Provided that the preceding prohibitions shall not apply to the making of any signal with permission granted by or on behalf of the Central Government, or of any signal for the purpose only of saving life or of regulating or aiding the navigation, on the water or in the air, of any vessel or aircraft other than a vessel or aircraft being used in the service of an enemy.

(2) No person shall make any signal, either visually or otherwise, intending or knowing it to be likely that the signal may mislead any member of the Armed Forces of the Union or any other public servant, acting in the course of his duty as such member or public servant.

(3) If any person contravenes any of the provisions of this rule, he shall be punishable with imprisonment for a term which may extend to five years or with fine or with both.

15. Control of signalling apparatus.—(1) Subject to the provisions of sub-rule (2) and to any exemptions for which provision may be made by general or special order of the Central Government, no person shall, except with permission granted by the Central Government, use or have in his possession or under his control any apparatus or contrivance for signalling (whether visually or otherwise) which is of such a nature that it could be used for a purpose prejudicial to the efficient conduct of military operations and to the defence of India.

(2) Nothing in sub-rule (1) shall apply in relation to—

(a) any wireless telegraphy apparatus as defined in the Indian wireless Telegraphy Act, 1933 (17 of 1933), or

(b) any apparatus forming part of the equipment of any vessel or aircraft, being an apparatus which is required for the making of any such signal as is mentioned in the proviso to sub-rule (1) of rule 14.

(3) In any proceedings arising out of an alleged contravention of any of the provisions of this rule, it shall be a defence for the accused to prove that at the date of the alleged contravention, application had been made by him for the

first time for the necessary permission in relation to the apparatus or contrivance in respect of which the proceedings are taken, and that the application was still pending at that date.

(4) If any person contravenes any of the provisions of this rule, he shall be punishable with imprisonment for a term which may extend to three years or with fine or with both.

16. Control of landmarks etc.—(1) In any area notified in this behalf by the Central Government, or the State Government, that Government may, if in its opinion, it is necessary or expedient for the efficient conduct of military operations or the defence of India,—

(a) by general or special order prohibit the use display or possession of any article which is intended to serve or to be used, or, in the opinion of that Government, is capable of serving or of being used, as a land mark or as a means of transmitting or conveying in any way any message or information to the enemy;

(b) by order direct the person having control of any such article as aforesaid to remove it, or to take such other action in relation to it as may be specified in the order;

(c) seize and remove any such article as aforesaid or take such other action in relation to it as may seem expedient to that Government.

(2) If any person contravenes any order made under any of the provisions of this rule, he shall be punishable with imprisonment for a term which may extend to three years or with fine or with both.

17. Control of Wireless telegraphy.—(1) In this rule, “telegraph” has the same meaning as in the Indian Telegraph Act, 1885 (13 of 1885), and “wireless telegraphy apparatus” has the same meaning as in the Indian Wireless Telegraphy Act, 1933 (17 of 1933).

(2) Notwithstanding anything contained in the Indian Telegraph Act, 1885 (13 of 1885), or the Indian Wireless Telegraphy Act, 1933 (17 of 1933) or in the rules made under either of those Acts, the Central Government may, by general or special order, prohibit or regulate the establishing, maintaining or working of any wireless telegraph or the possession of any wireless telegraphy apparatus.

(3) If any wireless telegraph is established, maintained or worked, or any wireless telegraphy apparatus is possessed, in contravention of an order made under sub-rule (2), the person so establishing, maintaining or working the telegraph or possessing the apparatus, and the occupier of the premises on which the telegraph or apparatus is situated, or where the telegraph or apparatus is on board any vessel or aircraft, the master of the vessel or the pilot of the aircraft, as the case may be, shall each be deemed to have contravened the order:

Provided that, in any proceedings which, by virtue of the provisions of this sub-rule, are taken against any person in respect of the establishing, maintaining or working of a wireless telegraph or the possession of wireless telegraphy apparatus by some other person in contravention of an order made under sub-rule (2), it shall be a defence for the accused to prove that the telegraph was so established, maintained or worked or the apparatus was so possessed, without his permission, and that he exercised all due diligence to prevent any contravention of the order.

(4) Any member of the Armed Forces of the Union or any other person authorised in this behalf by the Central Government may, in relation to any vessel or aircraft, take such steps and use such force as may appear to that member or person to be necessary for securing compliance with any order made under sub-rule (2), or where a contravention of such an order has occurred, for enabling proceedings in respect of the contravention to be taken.

(5) If any person has in his possession any wireless telegraphy apparatus in contravention of any of the provisions of the Indian Wireless Telegraphy Act, 1933 (17 of 1933), or of the rules made thereunder, he shall be deemed to have contravened the provisions of this rule.

(6) An officer authorised by the Central or a State Government in this behalf may seize any wireless telegraphy apparatus which is possessed or used by any person in contravention of this rule or of any order made thereunder or of any of the provisions of the Indian Wireless Telegraphy Act, 1933 (17 of 1933), and keep it in safe custody subject to the orders of any court under this rule or of any order made thereunder or of the Government.

(7) If any person contravenes any of the provisions of this rule or of any order made thereunder, he shall be punishable with imprisonment for a term which may extend to five years, or with fine, or with both.

(8) For the purposes of this rule a court may presume that a person possesses wireless telegraphy apparatus if such apparatus is under his ostensible charge or is located in any premises or place over which he has effective control.

(9) If in the trial of an offence under this rule the accused is convicted, the court shall decide whether any wireless telegraph or wireless telegraphy apparatus in respect of which an offence has been committed should be confiscated, and, if it so decides, may order confiscation accordingly.

18. Requirement to disseminate specified matters.—(1) The Central Government or the State Government may by order require the person in possession or having the control of any wireless receiving apparatus in respect of which a commercial broadcast receiver licence is in force to use the same for the dissemination to the public at such time and in such manner as may be specified in the order of such matter as may be so specified.

(2) If any person contravenes the provisions of any order made under this rule, he shall be punishable with imprisonment for a term which may extend to six months or with fine, or with both.

19. Control of telephones and telegraphs.—The Director-General, Posts and Telegraphs or any person authorised by him in this behalf, may by order:—

(a) direct—

(i) that any public telephone call office, shall be closed to the public for such period as may be specified;

(ii) that any subscriber's telephone connexion to any exchange shall be cut off for such period as may be specified;

(iii) where a direction has been given under sub-clause (ii), that subscriber shall surrender all telephone apparatus and fittings on the premises to such person as may be specified;

(iv) that any person empowered by him in this behalf by order in writing may listen in to all conversations or any specified conversation over any telephone system;

(b) make provision for suspending or regulating the use otherwise than for Government purposes, of any telegraph or telephone service in any area specified in the order;

(c) assume the control or direction, or direct any person to assume the control or direction, of any private telephone exchange or any connexion with any such exchange.

(2) If any person contravenes any order made under the provisions of sub-rule (1), he shall be punishable with imprisonment for a term which may extend to six months, or with fine, or with both.

20. Power to detain or paraphrase telegrams.—Notwithstanding anything contained in sub-section (1) of section 5 of the Indian Telegraph Act, 1885 (13 of 1885), any person appointed by the Central Government to be a censor may—

(a) order that any telegraphic message or class of messages to or from any person or class of persons, or relating to any particular subject, brought for transmission by, or transmitted or received by, any telegraph, shall not be transmitted or shall be intercepted or detained or shall be disclosed to the censor or to any other officer of Government mentioned in the order;

- (b) paraphrase the wording of any telegraphic message suspected of conveying a secret meaning and order the transmission of the message as so paraphrased;
- (c) delete any part of a telegraphic message which he considers to be prejudicial to the public safety or interest or to the defence of India or civil defence or to the efficient conduct of military operations;
- (d) order the transmission of any telegraphic message by a route different from that prescribed by the sender.

21. Possession and use of means of secret communication.—(1) Subject to the provisions of this rule, no person shall except with permission granted by the Central Government, send or convey by post or otherwise from any place in India to any destination outside India, or to any destination in India from any place outside India—

- (a) any instructions for utilising any means of secretly conveying, receiving or recording information, including any cipher or code; or
 - (b) any message in cipher or code; or
 - (c) any substance or article manufactured or designed for the purpose of secretly conveying, receiving or recording information; or
 - (d) any document or other article secretly conveying or recording any information.
- (2) The provisions of sub-rule (1) shall not apply to—
- (a) the sending of instructions for utilising any cipher or code the use of which is approved by notified order of the Central Government; or
 - (b) the sending, in accordance with conditions imposed by the Central Government, of any telegraphic message in such cipher or code; or
 - (c) the sending of any document conveying or recording information by means of such cipher or code, being a document which specifies in clear the cipher or code used.

(3) The Central Government may, in respect of any area, by notified order, declare that it is expedient to control the use of means of secret communication therein, and thereupon the provisions of sub-rule (1) shall apply in relation to that area as they apply in relation to a destination or place outside India.

(4) Any person who has in his possession or under his control any such instructions, message, substance, document or other article as is mentioned in sub-rule (1) shall, if required by the Central Government by a written order so to do, deliver up those instructions or that message, substance, document or other article to such authority or person as may be specified in the order.

(5) Nothing in sub-rule (4) shall be taken to prevent the prosecution of any person in respect of a contravention of the provisions of sub-rule (1).

(6) If any person contravenes any of the provisions of this rule, he shall be punishable with imprisonment for a term which may extend to three years or with fine or with both.

22. Control of postal communications.—(1) For the purpose of this rule and of rule 23 the expression “postal article” includes a letter, postcard, newspaper, book, pattern or sample packet, parcel and every article or thing transmissible by post, and a money order.

(2) The Central Government may, by general or special order, either generally or with reference to any particular place within or without India, prohibit, regulate, restrict or impose conditions upon the receipt or transmission in, or despatch from, India of any postal article or of any class or description of postal articles.

(3) Any order made under sub-rule (2) may, with a view to securing compliance therewith, provide for the interception, detention and examination of the contents of any postal articles by such authorities and in such circumstances as may be specified in the order.

(4) If any person contravenes any order made under this rule, he shall be punishable with imprisonment for a term which may extend to three years, or

with fine, or with both; and, if the order so provides, any Court trying such contravention may direct that any postal article, in respect of which the Court is satisfied that the order has been contravened, shall be forfeited to the Government.

23. Power to intercept and censor postal articles.—(1) Notwithstanding anything contained in section 26 of the Indian Post Office Act, 1898 (6 of 1898), any person appointed by the Central Government to be a censor may—

(a) order that any postal article or class or description of postal articles in course of transmission by post shall be intercepted or detained or shall be disposed of in such manner as the censor may direct;

(b) open and examine the contents of any postal article, and delete, destroy or remove any part thereof which the censor considers to be prejudicial to the public safety or interest or to the defence of India or civil defence or the efficient conduct of military operations.

(2) Any person who delivers any postal article for transmission, either by an indirect route or otherwise, in such a manner as is calculated to evade examination by a censor, shall be punishable with imprisonment which may extend to five years, or with fine, or with both.

24. Power to prohibit and to search, etc., travellers conveying non-postal correspondence.—(1) In this rule,—

“photograph” includes any photographic plate, photographic film or other sensitised article which has been exposed in a camera whether such plate, film or other article has been developed or not.

(2) The Central Government may, by order, make provision for securing that, subject to any exemptions for which provision may be made by the order, and except in accordance with such conditions as may be contained therein, no article whatsoever recording information and no document, pictorial representation, photograph or gramophone record, shall be sent or conveyed, otherwise than by post, into or from India.

(3) No person shall have any article in his possession for the purpose of sending or conveying it in contravention of an order made under sub-rule (2).

(4) Any prohibition or restriction imposed by an order made under sub-rule (2) on the sending into, or conveying from, India of articles, shall be deemed to have been imposed under section 19 of the Sea Customs Act, 1878 (8 of 1878) and all the provision of that Act shall have effect accordingly:

Provided that where in respect of any contravention of this rule the Customs-collector is of opinion that the penalties provided by the said Act are inadequate, he may make a complaint to a magistrate having jurisdiction; and the accused person shall, upon conviction, be punishable with imprisonment for a term which may extend to five years, or with fine, or with both.

(5) Any officer of customs may, for the purpose of carrying into effect the provisions of this rule, take such steps (including the subjection of the article to any process) as may be reasonably necessary for ascertaining whether an article does or does not record any information.

(6) The Central Government or the State Government may by order authorise any person for the purposes of this rule to exercise the powers, and perform the duties, conferred or imposed on a Customs-collector or any subordinate officer of customs by the Sea Customs Act, 1878 (8 of 1878).

PART IV

RESTRICTION OF MOVEMENTS AND ACTIVITIES OF PERSONS

25. Entering enemy territory.—(1) No person shall, without the permission of the Central Government voluntarily enter any enemy territory or voluntarily go on board any vessel or aircraft being used in the service of a State committing external aggression against India.

(2) If any person contravenes this rule, he shall be punishable with imprisonment for a term which may extend to five years, or with fine, or with both.

26. Entering India.—(1) The Central Government may, by notified order, make provision for securing that, subject to such exemptions as may be provided for in the order, any person or class of persons shall not, on coming from a place outside India, enter India elsewhere than at such place as may be specified in the order.

(2) If any person enters India in contravention of any order made under sub-rule (1), or of the provisions of, or of any rule or order made under, the Indian Passport Act, 1920 (34 of 1920), he shall, without prejudice to any other proceedings which may be taken against him, be punishable with imprisonment for a term which may extend to five years, or with fine, or with both.

(3) The master of any vessel or the pilot of any aircraft by means of which any person enters India in contravention of any order made under sub-rule (1) or of the provisions of, or of any rule or order made under, the Indian Passport Act, 1920 (34 of 1920), shall unless he proves that he exercised all due diligence to prevent the said contravention, be deemed to have abetted the contravention.

27. Information to be supplied by persons entering India.—(1) The Central Government may, by notified order, require any person of such class as may be specified in the order who has entered India since such date as may be so specified to furnish to such authority and in such manner as may be so specified such particulars regarding himself, his dependent, his past and prospective movements and any travel documents in his possession as may be specified in the order.

(2) If any person contravenes any order made under sub-rule (1), he shall be punishable with fine up to one hundred rupees.

28. Leaving India.—(1) The Central Government may, by notified order, make provision for securing that, subject to such exemptions as may be provided for in the order any person for the time being in India or any class of such persons shall not—

(a) proceed from India to a destination outside India except under the authority of a written permit granted in such form and manner and by such authority or person as may be specified in the order;

(b) for the purpose of proceeding to a destination outside India, leave India elsewhere than at such place as may be specified in the order.

(2) Where any police officer not below the rank of Inspector, or any other public servant authorised in this behalf by the Central Government, has reason to suspect that any person who is about to depart from India is attempting so to depart for purposes prejudicial to the public safety or to the defence of India, he may, notwithstanding the fact that such departure does not contravene any order made under sub-rule (1), prevent the departure of that person.

(3) Any police officer or other public servant who prevents the departure of any person under sub-rule (2) shall forthwith report the fact of such prevention to the Central Government, and the Central Government may, if it thinks fit, by order, prohibit such person at any time subsequently from leaving India so long as the order is in force.

(4) If any person contravenes any order made under this rule, he shall be punishable with imprisonment for a term which may extend to five years or with fine or with both.

(5) The master of any vessel or the pilot of any aircraft by means of which any person leaves India in contravention of any order made under this rule shall, unless he proves that he exercised all due diligence to prevent the said contravention, be deemed to have abetted the contravention.

29. Regulation of movement of persons within India.—(1) If in the opinion of the Central Government it is necessary or expedient so to do for securing the defence of India and civil defence, the public safety or the efficient conduct of military operations, that Government may by notified order make provision for the regulation of the movement of persons within the territory of India.

(2) In particular and without prejudice to the generality of the foregoing power, an order made under sub-rule (1) may provide that subject to such exceptions as may be specified in the order, no person shall enter a town, or city or area specified in the order from any place outside that town, city or area.

(3) Any person contravening an order made under sub-rule (1) shall be punishable with imprisonment which may extend to two years or with fine or with both.

30. Restriction of movements of suspected persons, restriction orders and detention orders.—(1) The Central Government or the State Government, if it is satisfied with respect to any particular person that with a view to preventing him from acting in any manner prejudicial to the defence of India and civil defence, the public safety, the maintenance of public order, India's relations with foreign powers, the maintenance of peaceful conditions in any part of India or the efficient conduct of military operations, it is necessary so to do, may make an order—

- (a) directing such person to remove himself from India in such manner, by such time and by such route as may be specified in the order, and prohibiting his return to India;
- (b) directing that he be detained;
- (c) directing that, except in so far as he may be permitted by the provisions of the order, or by such authority or person as may be specified therein he shall not be in any such area or place in India as may be specified in the order;
- (d) requiring him to reside or remain in such place or within such area in India as may be specified in the order or if he is not already there to proceed to that place or area within such time as may be specified in the order;
- (e) requiring him to notify his movements or to report himself or both to notify his movements and report himself in such manner at such times and to such authority or persons as may be specified in the order;
- (f) imposing upon him such restrictions as may be specified in the order in respect of his employment or business, in respect of his association or communication with other persons, and in respect of his activities in relation to the dissemination of news or propagation of opinions;
- (g) prohibiting or restricting the possession or use by him of any such article or articles as may be specified in the order;
- (h) otherwise regulating his conduct in any such particular as may be specified in the order;

Provided that no order shall be made under clause (a) of this sub-rule in respect of any citizen of India:

Provided further that no order shall be made by the State Government under clause (c) of this sub-rule directing that any person ordinarily resident in the State shall not be in the State.

(2) An order made under sub-rule (1) may require the person in respect of whom it is made to enter into a bond, with or without sureties, for the due performance of, or as an alternative to the enforcement of such restrictions or conditions made in the order as may be specified in the order.

(3) If any person is in any area or place in contravention of an order made under the provisions of this rule, or fails to leave any area or place in accordance with the requirements of such an order, then, without prejudice to the provisions of sub-rule (7), he may be removed for such area or place by any police officer so by any person acting on behalf of Government.

(4) So long as there is in force in respect of any person such an order as aforesaid directing that he be detained, he shall be liable to be detained in such

place, and under such conditions as to maintenance, discipline and the punishment of offences and breaches of discipline, as the Central Government or the State Government, as the case may be, may from time to time determine.

(5) Where the power to determine the place of detention is exercisable by the State Government, the power of the State Government shall include power to determine a place of detention outside the State:

Provided that—

- (a) no such place shall be determined save with the previous consent of the State Government of the State in which the place is situate, or, where the place is situate in a Union territory of the Central Government;
- (b) the power to determine the conditions of detention shall be exercised by the State Government of the State in which the place is situate, or where the place is situate in a Union territory by the Central Government.

(6) If the Central Government or the State Government, as the case may be, has reason to believe that a person in respect of whom that Government has made an order under clause (b) of sub-rule (1) directing that he be detained has absconded or is concealing himself so that such order cannot be executed, that Government may—

- (a) make a report in writing of the fact to a Presidency Magistrate or a Magistrate of the first class having jurisdiction in the place where the said person ordinarily resides; and thereupon the provisions of sections 87, 88 and 89 of the Code of Criminal Procedure, 1898, shall apply in respect of the said person and his property as if the order directing that he be detained were a warrant issued by the Magistrate;
- (b) by notified order direct the said person to appear before such officer, at such place and within such period as may be specified in the order; and if the said person fails to comply with such direction he shall, unless he proves that it was not possible for him to comply therewith and that he had within the period specified in the order informed the officer of the reason which rendered compliance therewith impossible and of his whereabouts, be punishable with imprisonment for a term which may be extended to seven years, or with fine, or with both.

(7) If any person contravenes any order made under this rule, he shall be punishable with imprisonment for a term which may extend to five years, or with fine, or with both, and if such person has entered into a bond in pursuance of the provisions of sub-rule (2) his bond shall be forfeited, and any person bound thereby shall pay the penalty thereof, or show cause to the satisfaction of the convicting Court why such penalty should not be paid.

31. Powers of photographing etc. suspected persons.—(1) The Central Government or, as the case may be, the State Government may, by order, direct that any person in respect of whom an order has been made by that Government under the provisions of rule 30, shall—

- (a) allow himself to be photographed;
- (b) allow his finger and thumb impressions to be taken;
- (c) furnish specimens of his handwriting and signature; and
- (d) attend at such time and place before such authority or person as may be specified in the order for all or any of the purposes mentioned in this sub-rule.

(2) If any person contravenes any order made under this rule, he shall be punishable with imprisonment for a term which may extend to six months, or with fine, or with both.

32. Control and winding up of certain organisations.—(1) If the Central

Government or the State Government is satisfied with respect to any organisation either—

- (a) that it is subject to foreign influence or control ; or
- (b) that the persons in control thereof have, or have had, association with persons concerned in the Government of, or sympathies with the system of Government of, any State committing external aggression against India or have been conspiring to assist any such State,

and in either case that there is danger of the utilisation of the organisation for purposes prejudicial to the defence of India and civil defence, the public safety, the maintenance of public order, the efficient conduct of military operations, the maintenance of supplies and services essential to the life of the community, that Government may by notified order direct that this rule shall apply to that organisation.

(2) If the Central Government or the State Government is satisfied that any organisation is engaged, in succession to any organisation to which this rule applies, in activities substantially similar to those formerly carried on thereby, that Government may by notified order direct this rule shall apply to that organisation;

(3) No person shall—

- (a) manage or assist in managing any organisation to which this rule applies;
- (b) promote or assist in promoting a meeting or any members of such an organisation, or attend any such meeting in any capacity;
- (c) publish any notice or advertisement relating to any such meeting;
- (d) invite persons to support such an organisation; or otherwise in any way assist the operations of such an organisation.

(4) The provisions of sections 17A to 17E of the Indian Criminal Law Amendment Act, 1908 (14 of 1908), shall apply in relation to an organisation to which this rule applies, as they apply in relation to an unlawful association:

Provided that all powers and functions exercisable by the State Government under the said sections as so applied shall be exercisable also by the Central Government.

(5) If any person contravenes any of the provisions of this rule, he shall be punishable with imprisonment for a term which may extend to seven years, or with fine, or with both.

33. Persons captured as prisoners.—(1) The Central Government may, by order, make provision—

- (a) for regulating access to, and the conduct of persons in, places in India where prisoners as defined in these rules are detained, and for prohibiting or regulating the despatch or conveyance, from outside such places to or for prisoners therein, of any such articles as may be specified in the order;
- (b) for regulating the conditions to be observed in connection with the employment and maintenance of prisoners in India while elsewhere than in places for the detention of prisoners;
- (c) for prohibiting or regulating communication with, or the supply of articles to prisoners in India.

(2) The provisions of sub-rule (1) and of sections 128, 129 and 130 of the Indian Penal Code (45 of 1860), shall apply in relation to a person detained or confined by order made under clause (g) of sub-section (2) of section 3 of the Foreigners Act, 1946 (31 of 1946), as they apply in relation to a prisoner.

(3) No proceedings shall be taken, by virtue of this rule, against a person in respect of any act done by him when he is himself a prisoner.

(4) If any person contravenes any order made under the provisions of this rule, he shall be punishable with imprisonment for a term which may extend to five years or with fine or with both.

34. *Change of name by citizens of India.*—(1) For the purposes of this rule,—

(a) the expression “name” shall be construed as including a surname, and

(b) a name shall be deemed to be changed if the spelling thereof is altered.

(2) No citizen of India shall assume or use or purport to assume or use for any purpose any name other than that by which he was ordinarily known immediately before the date of Proclamation of Emergency, unless, at least one month before the day on which he first assumes or uses or purports to assume or use that other name, he has given to the State Government a notice specifying—

(a) his existing name in full and the change which he proposes to make in it, and

(b) the address of his residence,

and has complied with such orders in respect of such notice, including orders for giving public intimation of his intention to change his name, as the State Government may give.

(3) If any person contravenes any of the provisions of this rule, he shall be punishable with imprisonment for a term which may extend to two years or with fine or with both.

(4) Nothing in this rule shall apply to the assumption or use—

(a) by any married woman of her husband's name;

(b) of any name in consequence of the grant of, or succession to, any rank or title;

(c) of any name in such circumstances as may be specified by order of the Central Government or the State Government.

PART V

PREVENTION OF PREJUDICIAL ACTS AND CONTROL OF INFORMATION

35. *Definitions.*—In this Part, unless there is anything repugnant in the subject or context,—

(1) “*Cinematograph film*”—“cinematograph film” includes a sound track, talefilm and any other article on which sounds have been recorded for the purpose of their being reproduced in connection with the exhibition of a film;

(2) “*Confidential information*”—“confidential information” includes any information, whether true or false, or any document or other record whatsoever containing or purporting to contain, or calculated directly or indirectly to convey, any information, whether true or false, with respect to any of the following matters that is to say—

(a) The proceedings of any meeting of the Council of Ministers of the Union or of any Committee thereof, or of any secret meeting of Parliament;

(b) the proceedings of any committee, commission, conference, convention or delegation appointed or convened by, or at the invitation of, the Central Government or Parliament to deal with matters concerning the conduct of military operations, repulsion of aggression or cessation of hostilities;

(c) the contents of any secret or confidential document which has in confidence been communicated by, or any confidential information obtained from, Government or any person in the service of Government and relating to any of the aforesaid matters;

(3) “*Essential commodity*”—“essential commodity” means food, water, fuel, light, power or any other thing essential for the existence of the community which is notified in this behalf by Government;

(4) “*Exhibit*” and “*Exhibition*”—“exhibit” and “exhibition” and their grammatical variations include, in relation to a cinematograph film, the mechanical or electrical reproduction of any sounds in connection with the showing of the film;

(5) “*Information likely to assist the enemy*”—“information likely to assist the enemy” means any information, whether true or false, or any document or other

record whatsoever containing or purporting to contain, or calculated, directly or indirectly, to convey, any information, whether true or false, with respect to any of the following matters, that is to say,—

- (a) the number, description, armament, equipment, disposition, movement, sympathies or condition of any of the Armed Forces, vessels or aircraft of the Union;
 - (b) any operations or projected operations of any of the Armed Forces, vessels or aircraft of the Union;
 - (c) any measures, works, appliances or arrangements for or connected with or intended for the defence or fortification of any place by or on behalf of the Armed Forces of the Union;
 - (d) the number, description or location of any prisoners;
 - (e) any enemy agents, that is to say, persons engaged in or believed to be engaged in assisting the enemy;
 - (f) the condition of the citizens of India or of any class thereof or the sympathies of such citizens or class as regards matters relating to the conduct of military operations;
 - (g) the invention, manufacture, quantity, supply, description, condition, disposition, movement, storage, repair, testing, trial or use of any munitions or other thing which can be used in connection with the conduct of military operations;
 - (h) any measures, works, appliances or arrangements for or connected with, or intended for, the protection of any munitions of war or other thing which can be used in connection with the conduct of military operations;
 - (i) any arrangements relating to the collection of means of transport or for the protection of—
 - (i) transport or communications, or
 - (ii) the supply or distribution of any essential commodity;
 - (j) any prohibited place, protected place or protected area, or any person or thing in, or relating to, any such place or area or anything used in or done or proposed to be done in, or in relation to, any such place or area;
 - (k) the passage of any vessel or aircraft near or over any part of India;
 - (l) any losses or casualties incurred by persons in the service of the Government, or the number or description of any such persons returning to the active service of the Government after casualty, or any injury or damage caused, whether by hostile operations or otherwise, to any vessel or aircraft of the Union or to any prohibited place, protected place or protected area, or to any person or thing in any such place or area, or to any munitions, or any injury or damage caused by hostile operations to any other person or thing whatsoever;
 - (m) any cipher, code or secret or official codeword or password;
 - (n) any orders, instructions or regulations regarding, or connected with, any of the aforesaid matters;
 - (o) any other matter whatsoever information as to which would or might be, directly or indirectly useful to the enemy;
- (6) “*prejudicial act*”—“*prejudicial act*” means any act which is intended or is likely.
- (a) to prejudice India’s relations with any foreign power, or the maintenance of peaceful conditions in any area;
 - (b) to cause disaffection among, or to prejudice, prevent or interfere with the discipline, health or training of, or the performance of their duties by, members of the Armed forces of the Union or public servants;
 - (c) to render any member of the Armed forces of the Union or any public servant incapable of efficiently performing his duties as such, or to

induce any member of such forces or any public servant to fail in the performance of his duties as such;

- (d) to prejudice the recruiting of, or the attendance of persons or service in, any of the Armed forces of the Union or the Civil Defence Service or any police force or fire brigade or any other body of persons entered, enrolled or engaged as public servants;
- (e) to bring into hatred or contempt, or to excite disaffection towards the Government established by law in India;
- (f) to bring into hatred or contempt, or excite disaffection towards the Armed forces of the Union or section thereof;
- (g) to promote feelings of enmity and hatred between different classes of persons in India;
- (h) to cause fear or alarm to the public or to any section of the public;
- (i) to impede, delay or restrict the means of transport or locomotion, any work necessary for the efficient conduct of military operations, the production, handling or transport of any munitions or the supply or distribution of any essential commodity;
- (j) to cause or produce, or to instigate or incite, directly or indirectly, the cessation or slowing down of work by a body of persons employed in any place of employment in which one hundred persons or more are normally employed in furtherance of any strike which is prohibited under rule 126 or is illegal under any law for the time being in force;
- (k) to render any munitions wholly or partially ineffective or dangerous, or to cause or increase danger to any person using, the production, handling or transport of, any munitions;
- (l) to undermine public confidence in the national credit or in any Government loan or security or in any notes, coins or tokens which are legal tender in India or in any part thereof, or to prejudice the success of any financial measures taken or arrangements made by Government with a view to the efficient conduct of military operations;
- (m) to encourage or incite any person or class of persons, or the public generally to refuse or defer payment of any land revenue, tax, rate, cess or other dues or amount payable to Government or any local authority or payable under any law or custom having the force of law for any services rendered to the community or any rent of agricultural land or anything recoverable as arrears of or along with such rent;
- (n) to influence the conduct or attitude of the public or of any section of the public in a manner likely to be prejudicial to the defence of India and civil defence or to the efficient conduct of military operations;
- (o) to instigate directly or indirectly the use of criminal force against public servants generally or any class of public servants or any individual public servant;
- (p) to instigate or incite directly or indirectly the commission or abetment of an offence punishable under the Criminal Law Amendment Act, 1961 (23 of 1961), or of an offence punishable under section 121, section 121A, section 122, section 131, or section 436 of the Indian Penal Code (45 of 1860), or of the offence of robbery or dacoity;
- (q) to instigate or incite directly or indirectly the commission or abetment of an offence against or against any rule made under the Indian Explosives Act, 1884 (4 of 1884), or the Explosive Substances Act, 1908 (6 of 1908), or the Arms Act, 1959 (54 of 1959);
- (r) to instigate or incite directly or indirectly the commission or abetment of an offence against the Army Act, 1950 (46 of 1950) or the Air Force Act, 1950 (45 of 1950), or the Navy Act, 1957 (62 of 1957);

(s) otherwise to prejudice the efficient conduct of military operations, the defence of India and civil defence or the public safety or interest;

(7) "*Prejudicial report*"—"prejudicial report" means any report, statement or visible representation, whether true or false, which, or the publishing of which is, or is an incitement to the commission of, a prejudicial act as defined in this rule;

(8) "*Press*"—"press" means a printing press and includes all plant, machinery, duplicators, types, implements and other materials used for the purpose or in connection with printing or multiplying documents;

(9) "*Unauthorised cinematograph film*"—"unauthorised cinematograph film" means a cinematograph film which has not been certified under section 5A of the Cinematograph Act, 1952 (37 of 1952) or in respect of which the Central Government has directed that it shall be deemed to be an uncertified film under clause (a) of sub-section (2) of section 6, or the exhibition of which has been suspended by the Central Government under clause (c) of sub-section (2) of section 6, or by the Administrator of a Union territory under sub-section (1) of section 13, of the Cinematograph Act, 1952, or the exhibition of which has been suspended by any State Government under the relevant provisions of any law in force in a State regulating exhibition by means of a cinematograph.

36. *Sabotage*.—(1) No person shall do any act with intent to impair the efficiency or impede the working of, or to cause damage to,—

(a) any building, vehicle, machinery, apparatus or other property used, or intended to be used, for the purposes of Government of any local authority;

(b) any railway (as defined in the Indian Railways Act, 1890) (9 of 1890), tramway, road, canal, irrigation work, installation on a canal or waterway, bridge, culvert, causeway, port, dockyard, lighthouse, aerodrome, or any telegraph, telegraph line or post (as defined in the Indian Telegraph Act, 1885) (13 of 1885);

(c) any rolling-stock of a railway or tramway, any vessel or aircraft;

(d) any building or other property used in connection with the production, distribution or supply of any essential commodity, any sewage works, mine or factory;

(e) any prohibited place or protected place.

(2) The provisions of sub-rule (1) shall apply in relation to any omission on the part of a person to do anything which he is under a duty, either to Government or to any public authority or to any person, to do, as they apply to the doing of any act by a person.

(3) If any person approaches, or is in the neighbourhood of, any such building, place or property as is mentioned in sub-rule (1), in circumstances which afford reason to believe that he intends to contravene that sub-rule, he shall be deemed to have attempted a contravention thereof.

(4) If any person contravenes any of the provisions of this rule, he shall be punishable with imprisonment for a term which may extend to seven years, or with fine, or with both.

37. *Receiving sabotaged property*.—(1) In this rule "*sabotaged property*" means property the possession of which has been transferred by, or in consequence of, any such act as is referred to in sub-rule (1) of rule 36.

(2) If any person dishonestly receives or retains, or voluntarily assists in concealing or disposing of or making away with, any sabotaged property, knowing, or having reason to believe, the same to be sabotaged property, he shall be punishable with imprisonment for a term which may extend to seven years, or with fine, or with both.

38. *Interference with postal and telegraphic communications*.—(1) No person shall knowingly—

(a) cause interference with the sending or receiving of communications by post, telegraphy (including wireless telephony) or television; or

(b) intercept any postal, telegraphic or telephonic communication.

(2) If any person contravenes any of the provisions of this rule, he shall be punishable with imprisonment for a term which may extend to five years, or with fine, or with both.

39. Communication with persons engaged in assisting the enemy.—(1) No person shall communicate or associate with any other person if he has reasonable cause to believe that such other person is engaged in assisting the enemy.

(2) In any proceedings taken by virtue of sub-rule (1), it shall be a defence for the accused to prove that the purpose of the communication or association in question was not prejudicial to the defence of India and civil defence, to the efficient conduct of military operations or to the public safety.

(3) If any person contravenes any of the provisions of this rule, he shall be punishable with imprisonment for a term which may extend to five years, or with fine, or with both.

40. Articles likely to afford information or other assistance to the enemy.—

(1) The Central Government or the State Government, if it is satisfied that any article or articles of any class or description are likely to assist the enemy to obtain information of military value or otherwise to facilitate the preparation or carrying out of hostile operations, may by order make provision—

(a) for requiring any person who has any such article in his possession or under his control to report the fact to such authority as may be specified in the order;

(b) for prohibiting or restricting the acquisition, sale, distribution, possession or disposal of such articles

(c) for requiring such articles to be placed in the custody of such authority as may be specified in the order;

(d) for authorising or requiring the destruction of such articles;

(e) for such incidental or supplementary matters as appear to the Central Government or the State Government, as the case may be, to be necessary or expedient for the purposes of the order.

(2) If any person fails to comply with any order made in pursuance of this rule, he shall be punishable with imprisonment for a term which may extend to three years, or with fine, or with both.

41. Prohibition of prejudicial acts, publications and communications.—(1) No person shall, without lawful authority or excuse,—

(a) do any prejudicial acts; or

(b) obtain, collect, record, elicit, make, print or publish, or distribute or communicate by any means whatsoever to any other person, any information likely to assist the enemy; or

(c) make, print, publish or distribute any document containing, or spread by any other means whatsoever, any prejudicial report; or

(d) make, print, produce, publish or distribute any publication containing, or communicate to any person by any means whatsoever, any confidential information.

(2) The author, editor, printer and publisher of, and any person who otherwise makes or produces, any information likely to assist the enemy, any confidential information or any prejudicial report, and any person who distributes or sells any information or report of that nature, knowing it to be of such nature, shall be deemed to have contravened this rule.

(3) Any person who exhibits, or causes or allows to be exhibited, to the public or to any section of the public any unauthorised cinematograph film containing any information likely to assist the enemy, any confidential information or any prejudicial report or any reference to or representation of any such information or report and the licensee of any building or other premises licensed under Part III of the Cinematograph Act, 1952 (37 of 1952), or under any law in

force in a State for giving exhibitions by means of a cinematograph, and the occupier, or, if there is no occupier, the owner, of any other building, or other premises, in or on which any unauthorised cinematograph film as aforesaid is exhibited shall be deemed to have contravened this rule.

(4) The proprietor, manager or any other person in control of any place in which, and every person who takes part in any public performance of any play, pantomime, drama or recitation in the course of which any confidential information, any information likely to assist the enemy or any prejudicial report is published shall each be deemed to have contravened this rule.

(5) If any person contravenes any of the provisions of this rule, he shall be punishable with imprisonment for a term which may extend to five years, or with fine, or with both:

Provided that in any proceedings arising out of a contravention of this rule,—

(a) in relation to the making or printing of any document or information, it shall be a defence for the accused to prove that the said document or information was made or printed, as the case may be,—

(i) before the Ordinance came into force, or

(ii) with the permission or under the authority of Government ; or

(iii) as a proof intended for submission to Government or to a person or authority designated by Government in this behalf with a view to obtaining permission for its publication;

(b) in relation to the publication of any document or information it shall be a defence for the accused to prove that the said document or information was published;

(i) before the Ordinance came into force, or

(ii) with the permission or under the authority of Government.

42. Prohibition of publishing matter derived from enemy sources.—(1) No person shall, without lawful authority, make, print, publish or distribute any document containing, or spread by any other means whatsoever, any matter derived from any enemy source.

(2) In any proceedings arising out of a contravention of sub-rule (1), where it appears to the court that the substance of any matter—

(i) broadcast from any wireless broadcasting station operated or controlled by the enemy, or

(ii) published in any leaflet dropped from the air or otherwise distributed by the enemy,

is at any subsequent time reproduced, whether in the same or a different form and whether with or without comment, in any document, the court may presume that the matter contained in the document is derived from an enemy source.

(3) If any person contravenes the provisions of this rule, he shall be punishable with imprisonment for a term which may extend to five years, or with fine, or with both.

43. Control of local authorities.—(1) If in the opinion of the State Government any local authority has used or is likely to use its local fund, or has employed or permitted or is likely to employ or permit, any of its officers, members or servants to act, in furtherance of any activity prejudicial to the defence of India and civil defence, the public safety, the maintenance of public order, the efficient conduct of military operations, or the maintenance of supplies and services essential to the life of the community, or has passed any resolution approving of or supporting any such activity, or has failed to carry out any orders or direction lawfully made or given to it, the State Government may by order supersede the local authority for such period as may be specified in the order.

(2) When an order of supersession has been made under sub-rule (1)—

(a) all the members of the local authority shall, as from the date of supersession, vacate their offices as such members;

- (b) all the powers and duties which may, by or under any law for the time being in force, be exercised or performed by or on behalf of the local authority shall, until the local authority is reconstituted in pursuance of an order under clause (b) or clause (c) of sub-rule (3) be exercised and performed by such person or persons as the State Government may direct:

Provided that any such person may direct—

- (i) that any such power or duty which immediately before making the order of supersession was by or under any such law exercised or performed on behalf of the local authority by any other person or authority shall be exercised or performed on his behalf by that other person or authority;
- (ii) that any such power or duty, whether or not it was so exercised or performed shall be exercised or performed on his behalf by such person or authority as he may specify in this behalf;
- (c) all property vested in the local authority shall, until the local authority is reconstituted in pursuance of an order under clause (b) or clause (c) of sub-rule (3), vest in the State Government.

(3) On the expiration of the period of supersession specified in the order under sub-rule (1), the State Government may—

- (a) extend the period for such further term as it may consider necessary;
- (b) by order direct that the local authority shall be reconstituted in the manner provided for the constitution of the authority by or under the law relating thereto, and in such case any persons who vacated their offices under clause (a) of sub-rule (2) shall not be deemed disqualified for election, appointment or nomination, unless in any particular case the State Government in the order so directs; or
- (c) by order direct that the local authority shall subject to any exception which may be specified in the order (any vacancy occasioned by such exception being regarded as a casual vacancy) be reconstituted by the persons who vacated their offices under clause (a) of sub-rule (2), and shall recommence functioning as if it had not been superseded:

Provided that the State Government may at any time before the expiration of the period of supersession, whether as originally specified under sub-rule (1) or as extended under this sub-rule, make an order under clause (b) or clause (c) of this sub-rule.

44. *Illegal possession of certain information and publication.*—(1) No person shall, without lawful authority or excuse, have in his possession—

- (a) any information likely to assist the enemy or any confidential information; or
- (b) any document containing any prejudicial report; or
- (c) any unauthorised cinematograph film of the nature described in sub-rule (3) of rule 41.

(2) Any person who, without lawful authority or excuse, has on any premises in his occupation or under his control any document containing any information likely to assist the enemy, any confidential information or any prejudicial report shall, unless he proves that he did not know, and had no reason to suspect, that the said document contained any such information or report as aforesaid, or that the said document was on such premises without his knowledge or against his consent, be deemed to have contravened this rule.

(3) The licensee of any building or other premises licensed under Part III of the Cinematograph Act, 1952 (37 of 1952), or under any law in force in a State regulating exhibitions by means of cinematograph and the occupier, or, if there is no occupier, the owner, of any other building or other premises, in or on which any unauthorised film as aforesaid is found, shall, unless he proves that the

said unauthorised film was in or on such building or other premises without his knowledge or against his consent, be deemed to have contravened this rule.

(4) In any proceedings arising out of a contravention of this rule in respect of the possession of any document or information, it shall be a defence for the accused to prove that the said document or information—

- (a) was in his possession with the permission or under the authority of Government; or
- (b) was a proof prepared by or for him for submission to Government or to a person or authority designated by Government in this behalf with a view to the obtaining of permission for its publication; or
- (c) was published before the Ordinance came into force.

(5) If any person contravenes any of the provisions of this rule, he shall be punishable with imprisonment for a term which may extend to three years, or with fine, or with both.

45. Proscription etc., of certain documents.—(1) Where in the opinion of the Central Government or the State Government any document made, printed or published, whether before or after the Ordinance came into force, contains any confidential information, any information likely to assist the enemy or any prejudicial report, that Government may, by order,—

- (a) require the editor, publisher or person in possession of such document to inform the authority specified in the order of the name and address of any person concerned in the supply or communication of such information or in the making of such report;
- (b) provide for the safe keeping by persons in possession of such document and copies thereof;
- (c) require the delivery of such document and any copy thereof to an authority specified in the order;
- (d) prohibit the further publication, sale or distribution of such document or any extract therefrom or of any translation thereof, including, in the case of a newspaper or other periodical, the publication, sale or distribution of any subsequent issue thereof;
- (e) declare such document and every copy or translation thereof or extract therefrom, to be forfeited to Government.

Explanation.—In this rule, 'document' includes gramophone records, sound tracks and any other articles on which sounds have been recorded with a view to their subsequent reproduction.

(2) Where in pursuance of sub-rule (1) any document is required to be delivered to a specified authority, that authority may enter upon and search any premises whereon or wherein such document or any copy thereof is or is reasonably suspected to be.

(3) Where in pursuance of sub-rule (1) any document has been declared to be forfeited to Government any police officer may seize any copy thereof, wherever found in India and any Magistrate may, by warrant authorise any police officer not below the rank of sub-inspector to enter upon and search any premises whereon or wherein such document or any copy thereof is or is reasonably suspected to be.

(4) If any person contravenes any order made under this rule, he shall be punishable with imprisonment for a term which may extend to three years, or with fine, or with both.

46. Power to impose censorship.—(1) The Central Government or the State Government may, for the purpose of securing the defence of India and civil defence, the public safety, the maintenance of public order or the efficient conduct of military operations, by order addressed to a printer, publisher or editor, or to printers, publishers and editors generally,—

- (a) require that all matter, or any matter relating to a particular subject

or class of subjects, shall, before being published in any document or class of documents, be submitted for scrutiny to an authority specified in the order;

- (b) prohibit or regulate the making or publishing of any document or class of documents, or of any matter relating to a particular subject or class of subjects or the use of any press.

(2) If any person contravenes any order made under sub-rule (1), then, without prejudice to any other proceedings which may be taken against such person, the Government making the order may declare to be forfeited to Government every copy of any document published or made in contravention of such order and any press used in the making of such document.

(3) If any person contravenes any order made under this rule, he shall be punishable with imprisonment for a term which may extend to five years, or with fine, or with both.

47. Publication of inventions and designs.—(1) For the purposes of this rule, the expression “Controller” means the Controller of Patents and Designs appointed under the Indian Patents and Designs Act, 1911 (2 of 1911).

(2) Where, either before or after the coming into force of the Ordinance, an application has been made to the Controller for the grant of a patent or the registration of a design, the Controller, if he is satisfied that it is expedient for the defence of India and civil defence or the efficient conduct of military operations so to do, may, notwithstanding, anything contained in the Indian Patents and Designs Act, 1911 (2 of 1911), omit to do or delay the doing of anything which he would otherwise be required to do in relation to the application, and by order, prohibit or restrict the publication of information with respect to the subject matter of the application, or the communication of such information to particular persons or classes of persons.

(3) No person shall, except, under the authority of a written permit granted by the Controller, make an application for the grant of a patent, or the registration of a design, in any country or place outside India.

(4) If, in the opinion of the Central Government, it is necessary or expedient for the defence of India and civil defence or the efficient conduct of military operations so to do the Central Government may by order require any person to furnish to such authority or person as may specified in the order, any such information in his possession relating to any invention, design or process as may be specified in the order or demanded of him by the said authority or person.

(5) The right of a person to apply for, or to obtain, a patent in respect of an invention, or registration in respect of a design, shall not be prejudiced by reason only of the fact that the invention or design has previously been communicated to an authority or person in compliance with any order given under sub-rule (4), or used by an authority or person in consequence of such communication, and a patent in respect of an invention, or the registration of a design, shall not be held to be invalid by reason only of the fact that the invention or design has been communicated or used as aforesaid.

(6) In connection with the making, use or exercise of any invention or design on behalf of, or for the services of the Government (whether by virtue of the Indian Patents and Designs Act, 1911, or otherwise), the Central Government may by order authorise the use of any drawing model, plan, specification, or other document or information in such manner as appears to the Central Government to be expedient for the defence of India and civil defence or the efficient conduct of military operations, notwithstanding anything to the contrary contained in any licence or agreement; and any licence or agreement, if and in so far as it confers on any person, otherwise than for the benefit of the Government the right to receive any payment in respect of the use of any document or information in pursuance of such an authorisation, shall be inoperative.

(7) If any person contravenes any of the provisions of this rule, or any order made thereunder, he shall be punishable with imprisonment for a term which may extend to five years, or with fine, or with both.

48. *Control of dramatic performances.*—(1) Whenever the State Government is of opinion that any play, pantomime, or other drama performed, or about to be performed, in a public place contains any prejudicial report, or is calculated to instigate the commission of a prejudicial act or to disseminate or encourage feelings of hatred or disaffection towards any class or section of persons in India, it may, by order, prohibit the performance.

(2) If any person contravenes any order made under sub-rule (1), he shall be punishable with imprisonment for a term which may extend to three years, or with fine, or with both.

49. *Control of cinematograph.*—(1) The Central Government or the State Government may by order declare any unauthorised cinematograph film or any cinematograph film which is imported into India in contravention of any order made under these rules to be forfeited to Government.

(2) Where in pursuance of sub-rule (1) any cinematograph film has been declared to be forfeited to Government any police officer may seize such film wherever found in India and any Magistrate may by warrant authorise any police officer not below the rank of sub-inspector to enter upon and search any premises whereon or wherein any such film is or is reasonably suspected to be.

50. *General control of photography.*—(1) Subject to any exemptions for which provision may be made by order of the appropriate Government, no person shall, except under the authority of a written permit granted by or on behalf of that Government,—

- (a) have with him a camera or any material for making a sketch, plan, model or other representation, in, or in the vicinity of, any prohibited place, protected place or protected area or any other place or area notified in this behalf by the Central Government, being a place or area in relation to which the restriction of photography or the making of representations appears to that Government to be expedient in the interests of the defence of India and civil defence; or
- (b) make any photograph, sketch, plan, model or other representation—
 - (i) of a prohibited place, protected place or protected area, or of any part of, or object in, any such place or area;
 - (ii) of an object of any such description, as may be specified by order of the Central Government;
 - (iii) of, or of any part of, or object in, any such place or area in India as may be notified by the Central Government in pursuance of clause (a) of this sub-rule.

(2) In any proceedings arising out of a contravention of clause (a) of sub-rule (1), it shall be a defence for the accused to prove that at the date of the contravention application had been made by him for the first time for the necessary permit in relation to the camera or other article in respect of which the proceedings are taken, and that the application was still pending at that date.

(3) The appropriate Government may, by general or special order, make provision for securing that photographs, sketches, plans and other representations made under the authority of a permit granted in pursuance of sub-rule (1), shall not be published unless and until they have been submitted to, and approved by, such authority or person as may be specified in the order; and may retain, or destroy or otherwise dispose of, anything submitted as aforesaid.

(4) If in, or in the vicinity of, any place or area to which this rule or any notification issued in pursuance of this rule applies, any person is found in possession of a camera or material for making a sketch, plan, model or other representation, then without prejudice to the provisions of sub-rule (5) or to any

other proceedings which may be taken against him, such camera or other material shall be liable to forfeiture.

(5) If any person contravenes any order made under this rule, he shall be punishable with imprisonment for a term which may extend to five years, or with fine, or with both.

(6) In sub-rules (1) and (3), the expression "appropriate Government" means the Central Government, and except in relation to any prohibited place or to any place or area declared by the Central Government to be a protected place or protected area, includes also the State Government.

51. Matters required to be disclosed under the Companies Act.—If the Central Government certifies that the disclosure—

- (1) of any matter required by sub-section (1) of section 56 of the Companies Act, 1956 (1 of 1956), to be stated in a prospectus issued by or on behalf of a company or by or on behalf of any person who is or has been engaged or interested in the formation of the company, or
- (2) of the contents of a contract for the inspection of which or of a copy of which a time and place is required by Schedule II to that Act to be stated in the prospectus,

would be prejudicial to the defence of India and civil defence, the public safety, the maintenance of public order or the efficient conduct of military operations or to the maintenance of supplies and services essential for the life of the community, the requirements aforesaid shall be deemed to have been complied with by the annexing to the prospectus of a copy of the certificate, and no matter to which the certificate relates shall be stated in the prospectus, nor shall any contract to which the certificate relates or any copy thereof be made available for inspection.

52. Restriction of publication of information relating to certain undertakings.—

(1) This rule applies to any of the following undertakings carried on in India by any person or authority whatsoever (including Government):—

- (i) Undertakings for the supply of electricity;
- (ii) Undertakings for the supply of water;
- (iii) Inland water transport undertakings;
- (iv) Port, harbour, dock or pier undertakings;
- (v) Colliery and mining undertakings; and
- (vi) Railways.

(2) No person shall publish, or cause or allow to be published, in India the accounts, or any copy thereof or extract thereon, of any undertaking to which this rule applies, or any report or other document, or any copy thereof or extract therefrom, relating to the operation of the undertaking which discloses any information contained in any such accounts or any statistical or other information relating to the progress of the undertaking.

(3) Nothing in sub-rule (2) shall, unless the Central Government by general or special order otherwise direct, be deemed—

- (a) to relieve any person carrying on an undertaking to which this rule applies from any obligation to furnish to Government or to any Government authority such accounts, reports or documents or copies thereof, or extracts therefrom;
- (b) to prohibit the publication of such accounts, reports or documents, or copies thereof, or extracts therefrom, to—
 - (i) Government,
 - (ii) any Government or local authority,
 - (iii) the members of a local authority where the undertaking is carried on by the local authority,
 - (iv) the directors or managing agents of a company where the undertaking is carried on by the company,

- (v) the auditors of the accounts of the undertaking,
- (vi) such other persons, or in such circumstances, as may be authorised by the Central Government;
- (c) to apply to the publication by or on behalf of any person carrying on an inland water transport undertaking of any time table relating to such undertaking;
- (d) to prohibit inspection of such accounts, reports or documents, or copies thereof, or extracts therefrom, at the offices of the undertaking by any person who but for this rule would have been entitled to obtain, receive or inspect such accounts reports or documents, or to receive information as to the contents thereof, and who shall have given to the undertaking not less than seven days' prior notice in writing of his desire to inspect the same.

(4) Where publication is made under the provisions of sub-rule (3) to the members of a local authority or to the Directors or Managing Agents of a company, such publication shall only be made if the accounts, reports or documents are clearly marked with a statement that they are confidential and not to be published to any person other than another member of the local authority or another director or a member of the managing agents of the company, as the case may be.

(5) Notwithstanding anything contained in the Companies Act, 1956 (1 of 1956), a Registrar of Companies may in his discretion refuse to allow inspection, or to grant copies of any such accounts, reports or documents as are referred to in sub-rule (2).

(6) If any person contravenes any of the provisions of this rule, he shall be punishable with fine which may extend to one thousand rupees.

53. Control of publication of information relating to wrecks.—(1) If a receiver of wreck is of opinion that the publication of a notification under sections 388 and 389 of the Merchant Shipping Act, 1958 (44 of 1958), in respect of any wreck taken possession of by him may in any way assist the enemy or prejudice the efficient conduct of military operations, he shall refer the matter to the Central Government and shall not publish the notification required by that section unless directed to do so by the Central Government.

(2) On receiving a report under sub-rule (1), the Central Government may either direct the receiver of wreck to proceed in accordance with the provisions of sections 397, 398 and 399 of the Merchant Shipping Act, 1958 (44 of 1958), or issue such other directions regarding the disposal of the wreck as the Central Government may in the circumstances deem proper.

PART VI

FALSE REPRESENTATIONS, ETC.

54. Personation and misleading acts and misrepresentations.—(1) In this rule the expression "Government" means any Government whether within or without India.

(2) No person shall do any act, or make any statement,—

- (a) calculated falsely to suggest that he or any other person is or is not acting (either generally or in a particular capacity) in the service, or on behalf, of Government, or as a public servant, or
- (b) calculated falsely to suggest that any article or property does or does not belong to, or is or is not in the possession or under the control of Government or has or has not been classified, selected or appropriated on behalf of Government for any particular purpose, or

- (c) whereby any directions, instructions or information falsely purporting to be duly issued or given for purposes connected with the defence of India or the securing of the public safety, are communicated or are intended to be communicated to the public or to any section thereof, or
- (d) having reasonable cause to believe that the said act or statement is likely to mislead any person in the discharge of any lawful functions in connection with the defence of India or civil defence or the securing of the public safety.

(3) If any person contravenes any of the provisions of this rule, he shall be punishable with imprisonment for a term which may extend to five years, or with fine, or with both.

55. Forgery and improper use of official documents etc.—(1) In this rule—

- (a) “Government” means any Government within or without India;
- (b) “official document” includes any passport, pass permit, certificate, licence, notice or other document issued by or under the authority of Government or any officer of the Armed forces of the Union or any police officer;
- (c) “official seal” includes any die, seal, plate or other instrument for making an impression or stamp and any impression or stamp of any such die, seal, plate or other instrument, belonging to, or used, made or provided by or for, any Government.

(2) No person shall—

- (a) forge, alter, tamper with or destroy any official document or any application, request or receipt in respect of any official document; or
- (b) use or have in his possession any forged or altered official document, or any document so nearly resembling an official document as to be calculated to deceive; or
- (c) personate or falsely represent himself to be, or not to be, a person to whom an official document relates or to whom an official documents or any secret official codeword or password has been duly issued or communicated; or
- (d) with intent to obtain an official document, secret official codeword or password, whether for himself or for any other person, knowingly make any false statement; or
- (e) without lawful authority make, use or have in his possession or under his control any official seal or any die, seal, plate or other instrument so nearly resembling an official seal as to be calculated to deceive.

(3) If any, person contravenes any of the provisions of this rule, he shall be punishable with imprisonment for a term which may extend to five years, or with fine, or with both.

56. Improper use of uniforms etc.—(1) No person shall without lawful authority use or wear—

- (a) any official uniform, Indian or foreign or any dress so nearly resembling such uniform as to be calculated to deceive; or
- (b) any official decoration, medal, badge or mark of rank, rating, qualification or duty; Indian or foreign or any copy or miniature thereof, or any ribbon or other emblem designed for use therewith or indicating possession thereof, or any article so nearly resembling any of the aforesaid articles as to be calculated to deceive.

(2) No person shall falsely represent himself to be a person who possesses or has possessed lawful authority to use or wear any such uniform or article as is mentioned in sub-rule (1).

(3) No person shall supply or offer to supply any such uniform or article as is mentioned in sub-rule (1) to or for any person whom he knows to be without lawful authority to use or wear it.

(4) If any person contravenes any of the provisions of this rule, he shall be punishable with imprisonment for a term which may extend to five years, or with fine, or with both.

(5) In any prosecution under sub-rule (1) or sub-rule (2), the onus of proving that a person possessed lawful authority to use or wear any such uniform or article as is mentioned in sub-rule (1) shall, notwithstanding anything contained in the Indian Evidence Act, 1872 (1 of 1872), lie upon that person.

PART VII

PREPARATIONS FOR DEFENCE

57. *Evacuation of areas.*—(1) The Central Government or the State Government may, if it appears necessary for the purpose of meeting any actual or apprehended attack or of protecting persons and property from the dangers involved in or resulting from such attack or of facilitating any operation of the Armed Forces of the Union, by order direct, in respect of any specified area, that, subject to any exemptions made by general order or special permission,—

- (a) all persons or any class of persons shall remove themselves or be removed from the said area or to any specified part thereof;
- (b) all persons or any class of persons in the said area shall remain therein for such period as may be specified;
- (c) any animals or property or any specified class of animals or property shall be removed from the said area or to any specified part thereof;
- (d) within a specified time any building or other property specified in the order shall be destroyed or rendered useless; and may do any other act involving interference with private rights of property which is necessary for any of the purposes aforesaid.

(2) An order made under sub-rule (1) for the removal of persons, animals or property may specify—

- (a) the route or routes by which all or any class of persons, animals or property are to remove themselves or be removed from the specified area or to any specified part thereof;
- (b) the time or times by which they are to remove themselves or be removed therefrom or to any specified part thereof;
- (c) the place or places to which they are to proceed or be taken on removing themselves or being removed from the specified area;

and may make such other incidental and supplementary provisions as may appear necessary or expedient for the purposes of the said order.

(3) If any order made under sub-rule (1) is contravened in respect of any animal or property, the person in charge of such animal or property shall be deemed to have contravened the order.

(4) The State Government may, if it appears necessary for any of the purposes specified in sub-rule (1) or for facilitating the evacuation of any area, by general or special order provide for the release, whether temporary or permanent or whether without conditions or upon such conditions as may be specified of any prisoners or class of prisoners.

(5) If any person contravenes any order made under this rule, he shall be punishable with imprisonment for a term which may extend to six months, or with fine, or with both.

58. *Power to slaughter dangerous and injured animals in the event of hostile attack.*—(1) In the event of the occurrence of hostile attack in the vicinity, any person authorised by the Central Government or the State Government in this behalf may, with a view to securing the public safety or maintaining public

order, slaughter any animal which appears to him to be:—

- (a) at large or out of control;
- (b) dangerous or seriously injured.

(2) The power to slaughter an animal conferred under sub-rule (1) shall include powers—

- (a) to cause or procure the animal to be slaughtered by some other person;
- (b) to enter, and to authorise any such other person to enter, upon any land for the purpose of the slaughter;
- (c) to remove and dispose of the carcass, or cause it to be removed and disposed of:

Provided that except where an animal is slaughtered in a place to which the public have access, the power to remove the carcass shall not be exercised if the owner of the animal is present and objects.

59. Accommodation of evacuated persons.—(1) The Central Government or the State Government may, for the purpose of accommodating any persons who have left or been removed from their homes in accordance with any order made under rule 57 (or who have left their homes on account of actual or apprehended attack) take possession of any premises other than those exclusively used by the public for religious worship.

(2) Whenever in pursuance of sub-rule (1) the Central Government or a State Government takes possession of any premises rent shall be paid for in accordance with the provisions relating to the payment of compensation in respect of immovable property which has been requisitioned under Chapter V of the Ordinance.

(3) The Central Government or the State Government, as the case may be, may at any time, restore possession of any premises in respect of which action has been taken under sub-rule (1) to the owner or occupier thereof and may order that no person shall thereafter be in those premises except with the consent of the occupier.

(4) If any person contravenes any order made under this rule, he shall be punishable with imprisonment for a term which may extend to three years, or with fine, or with both.

60. Defence Exercises.—(1) The Central Government may by notified order authorise the carrying out of defence exercises in such area and during such period as may be specified in the order, and thereupon, within the area and during the period so specified—

- (a) any persons engaged in the defence exercises may pass over, or encamp, construct works of a temporary character or execute manoeuvres on any land, or supply themselves with water from any source of water;
- (b) any officer of the Armed Forces of the Union may, for the purposes of the defence exercises give directions prohibiting or restricting the use of any part of a railway, water-way, road or path, or of any telegraph or telephone service, or of any premises ordinarily open to the public, and take such further measures as may be authorised in this behalf by general or special order of the Officer Commanding-in-Charge, the Command.

(2) Notwithstanding anything to the contrary contained in the Indian Railways Act, 1890 (IX of 1890), the Indian Telegraph Act 1885 (XIII of 1885), or any other enactment, every public servant shall be bound to comply with any directions given to him under sub-rule (1).

(3) Where any defence exercises are held under the provisions of sub-rule (1) compensation shall be paid for any damage to person or property or interference with rights or privileges arising from such exercises, including expenses reason-

ably incurred in protecting person, property, rights or privileges; and assessment and payment of compensation shall be made in accordance with the provisions of section 6 of the Manoeuvres, Field Firing and Artillery Practice Act, 1938 (V of 1938):

Provided that no compensation shall be payable in respect of such interference arising out of any direction given or further measures taken under clause (b) of sub-rule (1).

(4) If any person contravenes any direction given under sub-rule (1), he shall be punishable with fine which may extend to one thousand rupees.

61. Field, firing and Artillery practice.—(1) The Central Government or the State Government may by order authorise the carrying out of field firing and artillery practice throughout such area and during such period as may be specified in the order, and thereupon such persons as are included in the forces engaged in field firing or artillery practice may, within the area and during the period so specified—

- (a) carry out field firing and artillery practice, with lethal missiles;
- (b) exercise any of the rights conferred on persons engaged in defence exercises by clause (a) of sub-rule (1) of rule 60.

Explanation.—In this rule “field firing” includes air armament practice.

(2) The Officer Commanding the forces engaged in any such practice may declare the specified area or any part thereof to be a danger zone and thereupon the Collector or any officer authorised by the Collector by general or special order in this behalf shall on application made to him by the said officer, prohibit the entry into and secure the removal from such danger zone of all persons and domestic animals during the times when the discharge of lethal missiles is taking place or there is danger of life or health.

(3) Where any field firing or artillery practice is carried out under the provisions of sub-rule (1), compensation shall be payable in accordance with the provisions of section 11 of the Manoeuvres, Field Firing and Artillery Practice Act, 1938 (5 of 1938):

Provided that in applying the provisions of section 6 of said Act to any such case, the words ‘to accompany the forces engaged in the manoeuvres’ shall be deemed to have been omitted from sub-section (1) thereof.

(4) If during any period specified in an order made under sub-rule (1) any person within an area so specified—

- (a) wilfully obstructs or interferes with the carrying out of field firing or artillery practice, or
- (b) without due authority enters or remains in any camp, or
- (c) without due authority enters or remains in any area declared to be a danger zone at a time when entry thereto is prohibited, or
- (d) without due authority interferes with any flag or mark or target or any apparatus used for the purposes of the practice,

he shall be deemed to have contravened the provisions of this rule, and shall be punishable with fine which may extend to ten rupees.

62. Coastal firing and Artillery Practice.—(1) The Central Government or the State Government may by order authorise the carrying out of artillery practice and coastal firing towards the sea, throughout such area of the sea and during such period as may be specified in the order, and thereupon such persons as are included in the forces engaged in the said coastal firing and artillery practice may, within the area and during the period so specified—

- (a) carry out coastal firing and artillery practice with a lethal missile;
- (b) give directions prohibiting or restricting the use of any part of the area of the sea or the shores adjoining, including the use of any part

of a Railway, water-way, road or path or of any telegraph or telephone services or of any premises ordinarily open to the public or the use of any part of the area of the sea by all vessels, ships, boats of any kind whatever, and take such further measures as may be necessary to ensure that no unauthorised person enters, passes over or is in the area of the sea during such practices.

Explanation.—In this rule, “coastal firing and artillery practice” includes air armament practice.

(2) The Officer Commanding the forces engaged in any such practice may declare the specified area of the sea or any part thereof including such adjoining portion of land or shore to be a danger zone and thereupon the forces deputed for this purpose shall prohibit the entry into and secure the removal, from such danger zones of all persons and of navigating craft of any description whatever during the time the discharge of lethal missiles is taking place or there is danger to life or health.

(3) If during any period specified in an order made under sub-rule (1) any person within an area so specified—

- (a) wilfully obstructs or interferes with the carrying out of coastal firing and artillery practice, or
- (b) without due authority enters or remains in any camp from which firing is carried out, or
- (c) without due authority enters or remains in any area declared to be a danger zone at a time when entry thereto is prohibited, or
- (d) without due authority interferes with any buoy or mark or target or any apparatus used for the purposes of the practice,

he shall be deemed to have contravened the provisions of this rule, and shall be punishable with fine which may extend to twenty rupees.

63. *Billeting.*—(1) In this rule, “the appropriate Government” means in relation to premises in cantonment areas, the Central Government and in relation to premises in other areas, the Central Government or the State Government.

(2) The appropriate Government may by order require the occupier of any premises to furnish therein, while the order remains in force, such accommodation by way of lodging or food or both, and either with or without attendance, as may be specified in the order for such persons as may be so specified.

(3) The appropriate Government may by order require the owner or occupier of any premises to furnish to such authority as may be specified in the order such information with respect to the accommodation contained in the premises and with respect to the persons living therein as may be so specified.

(4) The price payable in respect of any accommodation furnished in any premises to any person in accordance with an order made under sub-rule (2) shall be such as may be determined by the appropriate Government, and shall be paid to the occupier by that Government; and the amount of any sum paid in accordance with this sub-rule by the appropriate Government in respect of accommodation furnished to any person may be recovered by that Government from that person as an arrear of land revenue.

(5) The appropriate Government may by order appoint an authority to hear complaints in respect of orders made under sub-rule (2); and any person who is aggrieved by the service upon him or by the operation of such an order may make a complaint to such authority, and upon hearing the complaint such authority may cancel or vary such order as it thinks fit.

(6) If any person contravenes any order made under this rule, he shall be punishable with fine which may extend to one thousand rupees.

64. *Precautions against hostile attack.*—(1) The Central Government or the State Government may, with a view to protecting the general public or any

members thereof against the dangers involved in any apprehended attack by land, sea or air, or with a view to acquainting the general public or any members thereof with the action to be taken in such an emergency, by order specify the action to be taken by any person or authority on such occasions as may be specified.

(2) An order made under sub-rule (1) may, provide that upon the giving of any specified notice or signal any person or class of persons may, subject to such conditions and in such circumstances as may be specified, enter and remain in or on any premises or property notwithstanding that such premises or property would not otherwise be open to the public which may be specified or which may be appointed for the purpose of this rule by any specified authority or person.

(3) No person shall—

(a) wilfully obstruct any person entering or seeking to enter any premises or property in accordance with an order made under this rule, or

(b) eject from any premises or property any person who is entitled to remain there by virtue of such an order.

(4) If any person contravenes any of the provisions of this rule, or any order made thereunder, he shall be punishable with imprisonment for a term which may extend to six months, or with fine, or with both.

65. *Watching of premises to detect fire.*—(1) The Central Government or the State Government may by general or special order make provision—

(a) for requiring the occupiers of any premises to which the order applies to make and carry out such arrangements as may be specified in the order with a view to securing that fires occurring at the premises as a result of hostile attack will be immediately detected and combated;

(b) for requiring the occupiers of several premises jointly to make and carry out such arrangements as aforesaid for all those premises, and in particular for requiring that they shall take turns, of duty at specified premises and perform such fire prevention duties as may be allotted to them under those arrangements;

(c) for empowering any authority, in such circumstances as may be specified in the order, to make and carry out such arrangements as aforesaid, including a joint arrangement as respects any premises to which the order applies, and where it carries out such arrangements, to recover from the occupiers concerned the expenses of so doing.

Explanation.—In clause (b) of this sub-rule, “fire prevention duties” means the duties of keeping a watch for the fall of incendiary bombs, taking such steps as are immediately practicable to combat a fire caused by such bombs and summoning such assistance as may be necessary, and includes the duty of being in readiness to perform any such duties as aforesaid.

(2) An order under sub-rule (1) shall entitle any person required thereby to be present on premises to which the order applies to have access to those premises for the purpose of complying with the order notwithstanding that the premises would not otherwise be open to the public, and any one who obstructs access thereto by any such person for that purpose shall be deemed to contravene the provisions of the order.

(3) Any police officer, or any other person authorised in this behalf by the Central Government or the State Government, may at any time enter and inspect any premises to which any order made under sub-rule (1) applies for the purpose of seeing whether the order is being complied with.

(4) If any person contravenes any of the provisions of an order made under this rule, he shall be punishable with imprisonment for a term which may extend to six months, or with fine, or with both.

66. *Measures for dealing without breaks of fire.*—(1) With a view to preventing the spread or facilitating the detection and extinction, of fire caused by

hostile attack from the air, the Central Government or the State Government may by order make provision for requiring the owners or occupiers of the premises to which the order applies to take within such period as may be specified in the order such measures as may be so specified.

(2) Any police officer, or any person authorised in this behalf by the Central Government or the State Government, may at any time enter and inspect any premises to which an order made under sub-rule (1) applies for the purpose of seeing whether the order has been complied with, and if that officer or person finds that the order has not been complied with, he may, without prejudice to any other proceedings which may be taken in respect of the contravention of the order, take such steps and use such force as may appear to him to be reasonably necessary for giving effect to the order.

(3) If in the opinion of the Central Government or the State Government any person who has been ordered under sub-rule (1) to take any measure has failed to take or is unlikely to complete the measures within the period specified in the order, then, without prejudice to any other proceedings which may be taken in respect of the contravention of the order, that Government may cause the said measures to be taken or completed and the cost thereof shall be recoverable from the owner or occupier of the premises by the Collector as if it were an arrear of land revenue.

(4) In the event of any outbreak of fire, any person authorised in this behalf by the Central Government or the State Government, may take or cause to be taken such steps and give such directions as appear to him to be necessary for preventing the spread of fire; and the steps which may be so taken include entering upon any land or the property whatsoever and the destruction or removal of anything in, on or over any land or property.

(5) If any person contravenes any of the provisions of an order made under this rule, he shall be punishable with imprisonment for a term which may extend to six months, or with fine, or with both.

67. *Protection of factories and mines.*—(1) The Central Government may by order require the owner, manager or agent of any mine, or the occupier or manager of any factory—

(a) to make, within such period as may be specified in the order, a report in writing stating the measures which he has taken or is taking or proposing to take to secure the due functioning of the mine or factory, and the safety of persons and property therein and in the vicinity thereof, in the event of an outbreak of fire whether caused by accident or otherwise;

(b) to take, within such period as may be specified in the order, such measures as may be so specified, being measures the taking of which is in the opinion of the Central Government necessary for the purposes aforesaid.

(2) The Central Government may by order require any person or class of persons employed in or in connection with, or resident within three miles of, any mine or factory, or class of mines or factories, or any local authority within whose jurisdiction any mine or factory is situated, to take within such period as may be specified, being measures the taking of which is in the opinion of the Central Government necessary to secure the due functioning of such mine or factory, or class of mines or factories, and the safety of persons or property therein or in the vicinity thereof, in the event of an outbreak of fire whether caused by accident or otherwise.

(3) Any person authorised in this behalf by the Central Government may at any time—

(a) enter and inspect any factory or mine for the purpose of ascertaining what measures have been, or ought to be, taken to secure the due

functioning of the mine or factory, and the safety of persons and property therein and in the vicinity thereof, in the event of an outbreak of fire whether caused by accident or otherwise;

- (b) enter and inspect any premises belonging to or occupied by any person or authority to whom an order made under sub-rule (1) or sub-rule (2) relates for the purpose of seeing whether the order has been complied with.

(4) If in the opinion of the Central Government any person or authority who has been ordered under sub-rule (1) or sub-rule (2) to take any measures have failed to take, or is unlikely to complete, the measures within the period specified in the order, then, without prejudice to any other proceedings which may be taken in respect of the contravention of the order, the Central Government may cause the said measures to be taken or completed and the cost thereof shall be recoverable by the Collector as if it were an arrear of land revenue from such person or authority, or where such person is the manager or agent of a mine or the manager of a factory, from the owner of the mine or, as the case may be, the occupier of the factory.

(5) For the purposes of this rule—

- (i) "Mine" means any mine as defined in clause (j) of section 2 of the Mines Act, 1952 (35 of 1952);
- (ii) "factory" means any factory subject to the operation of the Factories Act, 1948 (63 of 1948), and includes any other premises which in the opinion of the Central Government are being used for maintaining supplies or services essential to the life of the community.

(6) If any person contravenes any of the provisions of an order made under this rule, he shall be punishable with imprisonment for a term which may extend to three years, or with fine, or with both.

68. *Security of buildings.*—(1) The Central Government or the State Government may by order as respects any area specified in the order provide for securing that, subject to any exemptions for which provisions may be made in the order, no building, or no building of such class as may be specified in the order, shall be erected, extended or structurally altered except with the permission of that Government and in accordance with such requirements as to lay-out, materials and constructions which it is in the opinion of that Government necessary to impose for the purpose of rendering the building less vulnerable to air raids or of affording better protection to persons using or resorting to it.

(2) If any person contravenes any of the provisions of an order made under this rule, he shall be punishable with imprisonment for a term which may extend to three years, or with fine, or with both.

69. *Camouflage.*—(1) The Central Government or the State Government may by order, as respects such premises as may be specified in the order,—

- (a) require the owner of the premises to take within such period as may be specified in the order, such measures as may be so specified; or
- (b) authorise any person to take such measures as may be so specified, being measures which are in the opinion of that Government necessary to secure that such premises are or can be made less readily recognisable in the event of hostile attack.

(2) If in the opinion of the Central Government or, as the case may be, the State Government, any person who has been ordered under sub-rule (1) to take any measures has failed to take, or is unlikely to complete, the measures within the period specified in the order, then, without prejudice to any other proceedings which may be taken in respect of the contravention of the order, that Government may cause the said measures to be taken or completed, and the cost thereof shall be recoverable from such person by the Collector as if it were an arrear of land revenue.

(3) No person shall, except with permission granted by or on behalf of the Central Government or the State Government, as the case may be, remove, alter, or tamper with any work done in pursuance of this rule.

(4) If any person contravenes any of the provisions of this rule, or any order made thereunder, he shall be punishable with imprisonment for a term which may extend to six months, or with fine, or with both.

70. Power to require local authorities to take precautionary measures.—(1) In this rule, “the appropriate Government” means, in relation to cantonment authorities and in relation to port authorities in major ports, the Central Government, and in relation to other local authorities the State Government.

(2) The provisions of this rule and of any order made thereunder shall have effect notwithstanding anything contained in any law or instrument defining the powers, duties or obligations of a local authority.

(3) The appropriate Government may by order require any local authority to take, within such period as may be specified in the order, such measures as may be so specified, being measures which are in the opinion of that Government necessary for the protection of persons and property under the control or within the jurisdiction of such authority from injury or damage, or for ensuring the due maintenance of the vital services of the authority, in the event of hostile attack and thereupon—

- (a) it shall be the duty of the local authority to comply with the order,
- (b) the funds of the local authority shall be applicable to the payment of the charges and expenses incidental to such compliance, and
- (c) priority shall be given to such compliance over all other duties and obligations of the local authority.

(4) If in the opinion of the appropriate Government any local authority which has been ordered under sub-rule (3) to take any measures has failed to take, or is unlikely to complete, the measures within the period specified in the order then, without prejudice to any other proceedings which may be taken in respect of the contravention of the order, the appropriate Government may authorise any person to take or complete the said measures; and any person so authorised may, for the purpose of taking or completing the said measures, exercise all or any of the powers of the local authority or of its officers, issue such directions as he thinks fit to the officers or servants of the local authority and employ any outside agency, and all charges and expenses incurred by him shall, except to such extent if any, as the appropriate Government may direct to be paid out of its Consolidated Fund, be paid out of the funds of the local authority.

(5) Any person authorised in this behalf by the appropriate Government may if he considers it necessary or expedient so to do,—

- (a) by order direct a local authority or any of its officers or servants to take such action as may be specified in the order, being action which is in his opinion necessary for the protection of persons and property under the control or within the jurisdiction of the local authority from the danger involved in or resulting from an actual or apprehended hostile attack;
- (b) impress and use or cause to be used for the aforesaid purpose any property belonging to or in the possession of the local authority in such manner as he thinks fit;

and it shall be the duty of the local authority and of its officers and servants to comply forthwith with any order made under this rule, and the funds of the local authority shall be applicable to the payment of any charges and expenses incidental to such compliance.

(6) The appropriate Government may, if it considers it necessary or expedient so to do, by order authorise any person to take over from a local authority and administer in accordance with such directions as may be issued from time to time by that Government such of the services of the local authority as may be specified in the order; and any person so authorised may, for the purpose

of administering the said services, exercise all or any of the powers of the local authority or of any Committee or officer of the local authority, issue such directions as he thinks fit to the officers or servants of the local authority and employ any outside agency, and all charges and expenses incurred by him shall, except to such extent, if any, as the appropriate Government may direct to be paid out of its Consolidated Fund, be paid out of the funds of the local authority.

(7) If the appropriate Government is of the opinion that any local authority has failed to comply, or has delayed in complying with any order made under sub-rule (3), or that it is necessary or expedient so to do for ensuring the due maintenance of the vital services of the authority in the event of hostile attack, the appropriate Government may by order supersede the local authority for such period as may be specified in the order.

(8) When the order of supersession has been made under sub-rule (7)—

(a) all the members of the local authority shall, as from the date of supersession, vacate their offices as such members;

(b) all the powers and duties which may, by or under any law for the time being in force, be exercised or performed by or on behalf of the local authority shall, during the period of supersession, be exercised and performed by such person or persons as the appropriate Government may direct;

(c) all property vested in the local authority shall, during the period of supersession, vest in the appropriate Government.

(9) On the expiration of the period of supersession specified in the order under sub-rule (7), the appropriate Government may—

(a) extend the period for such further term as it may consider necessary;

(b) by order direct that the local authority shall be reconstituted in the manner provided for the constitution of the authority by or under the ordinary law relating thereto, and in such case any persons who vacated their offices under clause (a) of sub-rule (8) shall not be deemed disqualified for election, appointment or nomination; or

(c) by order direct that the local authority shall be reconstituted by the persons who vacated their offices under clause (a) of sub-rule (8) and shall recommence functioning as if it had not been superseded:

Provided that the appropriate Government may at any time before the expiration of the period of supersession whether as originally specified under sub-rule (7) or as extended under this sub-rule take action under clause (b) or clause (c) of this sub-rule.

71. Keeping of dangerous articles and substances.—(1) The Central Government or the State Government may, by order, in respect of any articles or substances of an explosive or inflammable nature from which special risks are in the opinion of that Government likely to arise in the event of hostile attack, issue directions:—

(a) prohibiting the keeping of such article or substance in or on such premises as may be specified in the order;

(b) prescribing the quantity of such articles or substances which may be kept in or on any premises;

(c) requiring the owner or occupier of any premises in or on which such articles or substances are kept to take such measures as may be specified in the order for the protection of persons or property therein or thereon, or in the vicinity thereof;

(d) for any incidental or supplementary matters for which that Government thinks it expedient for the purposes of the order, to provide, including in particular, the entering and inspection of premises to which the order relates with a view to securing compliance with the order.

(2) If in the opinion of the Central Government or, as the case may be, the State Government, any person who has been ordered under sub-rule (1) to take

any measures has failed to take or is unlikely to complete, the measures within the period specified in the order, then without prejudice to any other proceedings which may be taken in respect of the contravention of the order, that Government may cause the said measures to be taken or completed, and the cost thereof shall be recoverable from the owner or occupier of the premises by the Collector as if it were an arrear of land revenue.

(3) If any person contravenes any order made in pursuance of this rule, he shall be punishable with imprisonment for a term which may extend to six months, or with fine, or with both.

72. Maintenance of water supply.—(1) The Central Government or the State Government may, by order, require the owner, or any person having control, of any source of water-supply which is or is capable of being used for drinking or fire fighting or any other purpose—

(a) to keep the same in good order, clear it from time to time of silt, refuse and decaying vegetation, and protect it from contamination, in such manner as may be specified in the order;

(b) to make the same available at all reasonable times for the use of the public or of such section of the public as may be specified in the order.

(2) Any person authorised in this behalf by the Central Government or, as the case may be, the State Government, may, at any time, inspect any source of water-supply in respect of which an order under sub-rule (1) has been made for the purpose of seeing whether the order has been or is being complied with.

(3) If any person contravenes any of the provisions of any order made under this rule, he shall be punishable with imprisonment for a term which may extend to six months, or with fine, or with both.

73. Air raid shelters.—(1) If in respect of any premises the Central Government or the State Government considers it necessary or expedient so to do for the purpose of affording protection to persons living or employed therein or thereon, that Government may by order require the owner of the premises to construct therein or thereon an air raid shelter, within such period and in accordance with such requirement as to lay-out, materials and construction as may be specified in the order.

(2) Any police officer, or any person authorised in this behalf by the Central Government or, as the case may be, the State Government, may at any time enter and inspect any premises to which an order under sub-rule (1) applies for the purposes of seeing whether the order has been complied with.

(3) If in the opinion of the Central Government or, as the case may be, the State Government, any person who has been ordered under sub-rule (1) to construct an air raid shelter has failed to do so, or is unlikely to complete doing so within the period specified in the order, that Government may cause the shelter to be constructed and the cost thereof shall be recoverable from the owner of the premises by the Collector as if it were an arrear of land revenue.

(4) If any person contravenes any order made under this rule, he shall be punishable with imprisonment for a term which may extend to six months, or with fine, or with both.

74. Power to exempt air raid shelters from municipal taxation.—(1) In this rule, "the appropriate Government" means in relation to any cantonment area, the Central Government, and in relation to any other area the State Government.

(2) The appropriate Government may by order direct that any site or premises on which an air raid shelter is or has been constructed shall, on being certified by an officer appointed in this behalf by the appropriate Government be exempt from any tax or rate, or from any enhancement of any tax or rate levied by a local authority to which the site or premises would not have been liable if the shelter had not been constructed.

75. *Safety measures in premises.*—(1) The Central Government or the State Government may by order as respects such premises as may be specified in the order,—

- (a) require the owner or the occupier of the premises to take such measures as may be specified in the order, or
- (b) authorise any person to take such measures as may be so specified, being measures which are in the opinion of that Government necessary to minimise danger to persons being in or in the vicinity of such premises in the event of hostile attack.

(2) If any person contravenes any order made under this rule, he shall be punishable with imprisonment for a term which may extend to one month, or with fine, or with both.

76. *Removal of companies' records to place of safety.*—The Central Government or the State Government may, if it considers it necessary in the interests of public safety or the defence of India and civil defence so to do, by notified order declare the provisions of this rule to apply to any local area specified in the order; and thereupon so long as the order remains in force, it shall be lawful notwithstanding anything contained in the Companies Act, 1956 (1 of 1956)—

- (a) for the registrar to remove from any registration office situated within that area all or any of the documents connected with the registration of companies, keep them in such place of safety as he may think fit, and suspend the inspection thereof and the grant of any certificate, certified copy or extract therefrom under section 610 of the said Act;
- (b) for any company the registered office of which is situated in that area to remove from the registered office all or any of its registers, books of account and other documents and keep them in such place of safety as the directors of the company may think fit:

Provided that any company removing any of its documents under this rule shall, either before such removal or as soon as practicable thereafter, give notice of the removal to its members and to the registrar.

77. *Protection of major ports and their environs against fire, etc.*—(1) The Central Government may, with a view to ensuring the protection of any major port and any city, town or other place adjoining or in the vicinity of such port against fire, explosion or any other calamity, by order or notified order providing for precautionary measures (including arrangements for co-ordinating the fire fighting, water supply and conservancy services of the port and local authorities concerned) to be taken by the port authority of any such port, any local authority having jurisdiction in any such city, town or place, any person using such port and the owners or occupiers of any premises situated in such port, city, town or place; and thereupon:—

- (a) it shall be the duty of such port authority, local authorities and all persons concerned, including public servants, members of the Armed forces of the Union and officers and servants of such port authority and local authorities, to comply or act in conformity with the order;
- (b) the funds of the port authority or local authorities shall be applicable to the payment of charges and expenses incidental to such compliances;
- (c) priority shall be given to such compliance over all other duties and obligations of the port authority or local authorities.

(2) If any fire, explosion or other calamity occurs in any major port or in any city, town or other place adjoining or in the vicinity of such port, there shall be

placed at the disposal of an authority appointed in this behalf by the Central Government such of—

- (a) the fire fighting, water supply and conservancy services of the port authority of such port and of any local authority having jurisdiction in any such city, town or place, together with the personnel employed in operating such services;
 - (b) the fire fighting personnel and appliances maintained by any owner or occupier of premises in such port, city, town or place;
- as the authority so appointed may require; and such port authority, local authorities, owners or occupiers and personnel shall comply with any orders given by the said authority.

(3) If any person contravenes any provision of this rule or fails to comply or act in conformity with any order made or given thereunder, he shall be punishable with imprisonment for a term which may extend to three years, or with fine, or with both.

(4) Nothing in this rule or in any order made or given thereunder shall be deemed to affect the discharge by any local authority of the duty imposed on it by any other laws for the time being in force of extinguishing fire and of protecting life and property in the event of fire within any such port, city, town or place as aforesaid.

78. Control of light and sounds.—(1) The Central Government or the State Government may by order provide—

- (a) for prohibiting or regulating the display of lights of any specified description;
- (b) for the screening of any lighting apparatus, whether for the time being alight or not, carried on, or attached to any specified class of vehicles;
- (c) for securing that, in specified circumstances, indication of the position of such premises and places, and warning of the presence of such vehicles and vessels as may be specified shall be given by means of such lights as may be specified, and for prescribing the manner in which any apparatus used for the purpose of exhibiting such lights is to be constructed, installed or used;
- (d) for prohibiting or regulating the use of roads by any particular class of traffic, so far as appears to it to be necessary for avoiding danger consequent on compliance with any provisions of an order made under this rule which relate to the lighting of roads or of vehicles on roads;
- (e) for prohibiting or regulating such activities as may be specified, being activities which consist of or involve the emission of smoke, flames, sparks or glare or the making of noise.

(2) An order under sub-rule (1) may be made so as to apply to any specified area or premises, may make different provisions as respects different parts of an area or different classes of premises, places, vehicles or vessels therein, may provide for exempting any premises, places, vehicles or vessels (either absolutely or conditionally), from the operation of any of the provisions of the order, and may contain such incidental and supplementary provisions as appear to the authority making the order to be necessary or expedient for the purposes of the order.

(3) If any order made under sub-rule (1) is contravened in respect of, or in relation to, any light, premises, place, vehicle, vessel, apparatus, road, or activity to which the order applies, any police officer, or any person authorised in this behalf by the authority making the order, may take such steps and use such force as may, in his opinion, be reasonably necessary for giving effect to the order and in the exercise of this power shall have a right of access to any land or other property whatsoever.

(4) If any order made under this rule is contravened in respect of any premises, place, vehicle or vessel, the occupier of the premises or place, the person in charge of the vehicle, or the master of the vessel, as the case may be, shall, without prejudice to any proceedings which may be taken against any other person, be deemed to have contravened the provisions of this rule:

Provided that in any proceedings which by virtue of this sub-rule are taken against any person in respect of a contravention of such an order on the part of another person, it shall be a defence for the accused to prove that the contravention or non-compliance occurred without his knowledge and that he exercised all due diligence to secure compliance with the order.

(5) If any person contravenes any order made under this rule, he shall be punishable with imprisonment for a term which may extend to six months, or with fine, or with both.

79. Control of Motor Vehicles.—(1) The Central Government or the State Government may by order provide for requiring motor vehicles or any class of motor vehicles to be rendered, when not being driven, incapable of use by unauthorised persons; and any such order may contain provisions with respect to the manner in which vehicles are to be rendered in capable of use as aforesaid.

(2) If any person contravenes any order made under this rule, he shall be punishable with imprisonment for a term which may extend to six months, or with fine, or with both.

80. Curfew.—(1) The Central Government or the State Government may, by order, direct that, subject to any specified exemption, no person present within any specified area shall between such hours as may be specified be out of doors except under the authority of a written permit granted by a specified authority or person.

(2) If any person contravenes any order made under this rule, he shall be punishable with imprisonment for a term which may extend to six months, or with fine, or with both.

PART VIII

CONTROL OF ARMS AND EXPLOSIVES

81. Carrying and possession of arms and explosives.—(1) The Central Government or the State Government may, by general or special order, prohibit, restrict or impose conditions on, the possession, carrying, use, sale or other disposal of—

- (a) arms or articles capable of being used as arms;
- (b) ammunition;
- (c) dangerous substances.

Explanation.—for the purposes of this rule, “dangerous substances” means—

- (i) substances, which are or are declared to be explosives within the meaning of the Indian Explosives Act, 1884 (4 of 1884), and
- (ii) substances which, (being substances capable of being used in the manufacture of explosives, or being corrosive substances or for any other reason), are declared in the order to be dangerous substances.

(2) Without prejudice to any powers conferred by or under any other law for the time being in force—

- (a) if any police officer not below the rank of head constable or any other public servant authorised by the Central Government or a State Government to act under this rule, suspects that any arms, articles capable of being used as arms, ammunition or dangerous substances are in or upon any land, vehicle, aircraft, vessel, building or other premises in contravention of an order made under sub-rule (1), he may enter, if necessary by force, and search the land, vehicle, aircraft, vessel, building or premises in or upon which he suspects that a contravention of an order made under sub-rule (1) has been

committed at any time of the day or night, and may seize any arms, articles capable of being used as arms, ammunition, or dangerous substances found therein or thereon which he suspects to be therein or thereon in contravention of such order.

- (b) If any police officer, or any other public servant authorised by the Central Government or the State Government to act under this rule, suspects that any person is carrying, or in possession of, arms, articles capable of being used as arms, ammunition, or dangerous substances in contravention of an order made under sub-rule (1), such officer or other public servant may stop and search or cause to be searched such person and seize any arms, articles capable of being used as arms, ammunition, or dangerous substances possessed or carried by him which such officer or other public servant suspects to be possessed or carried in contravention of such order:

Provided that no female shall be searched in pursuance of the provisions of this rule except by a female.

(3) Any arms, ammunition, dangerous substances or other articles seized under the provisions of this rule may be destroyed or otherwise disposed of as may be ordered by the State Government.

(4) If any person contravenes any order made under this rule, he shall be punishable with imprisonment for a term which may extend to five years, or with fine, or with both.

82. *Manufacture and transport of explosives and other dangerous articles.*—

(1) The Central Government may, as respects any premises used for producing, treating, handling or keeping any munitions, explosives or petroleum or any other substance to which any of the provisions of the Indian Explosives Act, 1884 (4 of 1884), or of the Petroleum Act, 1934 (30 of 1934), apply or may be applied, by order make provision for the safety of persons and property in, or in the vicinity of, such premises; and by any such order may authorise the searching of persons entering, or seeking to enter, or being within any premises to which the order applies:

Provided that no female shall be searched in pursuance of such order except by a female.

(2) The Central Government may by order make, in relation to the conveyance on vehicles or vessels of any description of any such articles or substances as are mentioned in sub-rule (1), such provision as may appear to be necessary or expedient for the protection of persons or property against danger arising from or in connection with, such conveyance.

(3) If any person contravenes any order made under this rule, he shall be punishable with imprisonment for a term which may extend to two years, or with fine, or with both.

PART IX

PUBLIC SAFETY AND ORDER

83. *Control of processions, meetings, etc.*—(1) The Central Government or the State Government may, for the purpose of securing the defence of India and civil defence, the public safety, the maintenance of public order or the efficient conduct of military operations by general or special order, prohibit, restrict or impose conditions upon, the holding of or taking part in public processions, meetings or assemblies.

(2) For the purposes of sub-rule (1), any procession, meeting or assembly which is open to the public or to any class or portion of the public, whether held in a public or a private place and whether admission thereto is restricted by the issue of tickets or otherwise, shall be deemed to be a public procession, meeting or assembly as the case may be.

(3) Any police officer may take such steps, and use such force, as may be reasonably necessary for securing compliance with any order made under this rule.

(4) If any person contravenes any order made under this rule, he shall be punishable with imprisonment for a term which may extend to three years, or with fine, or with both.

84. Prevention of hartals in place of employment.—(1) In this rule,—

(a) “industrial dispute” means an industrial dispute as defined in the Industrial Disputes Act, 1947 (14 of 1947);

(b) “hartal” means any concerted cessation of work or refusal to work by a body of persons employed in any place of employment, except a cessation or refusal in furtherance of an industrial dispute with which such body of persons is directly concerned.

(2) If in the opinion of the State Government a body of persons employed in any place of employment is likely to take part in, or is taking part in, a hartal, then, without prejudice to any other proceedings which may be taken in respect of such hartal, the State Government may by order in writing require the person owning or having the management of such place of employment to take, within such time as may be specified in the order, such measures as may be so specified to secure that the hartal shall not take place or, as the case may be, shall cease.

(3) If in the opinion of the State Government a place of employment has been closed for reasons other than the furtherance of an industrial dispute, the State Government may by order in writing require the owner or persons having the management of such place of employment to take, within such time as may be specified in the order, such measures as may be so specified to secure that the place of employment shall be opened, and shall remain open, for the unimpeded employment of persons employed therein.

(4) If any person contravenes the provisions of any order made under this rule, he shall be punishable with imprisonment for a term which may extend to five years or with fine which may extend to five lakhs of rupees and to a further fine which may extend to one lakh of rupees for every day after the first during which the contravention continues, or with both such imprisonment and fine as aforesaid.

(5) The provisions of section 32 of the Code of Criminal Procedure, 1898 (5 of 1898), in so far as they limit the extent of fine which may be imposed by Courts of Presidency Magistrates and Magistrates of the First Class, shall not apply to any sentence imposed under this rule.

85. Powers to restrict use of motor vehicles.—(1) The Central Government or the State Government may, by general or special order, prohibit, restrict or impose conditions upon, the use or possession of any motor vehicles by any person, other than a member of the Armed Forces of the Union, without a permit from such military authority as may be specified or from the senior police officer in the district in which the said person resides.

(2) If any police officer or any other person authorised by the Central Government or the State Government in this behalf suspects that any motor vehicle is or is kept in or upon any building, land, vehicle, vessel or other premises or is being used by any person in contravention of an order made under this rule, such officer or person may—

(i) enter and search such building, land, vehicle, vessel or other premises at any time of the day or night and may seize any motor vehicle found therein or thereon which he suspects to be therein or thereon in contravention of such order;

(ii) stop such person and seize any motor vehicle which is being used in contravention of such order.

(3) The Central Government or the State Government may declare any motor vehicle seized in pursuance of this rule to be forfeited to Government and thereupon such motor vehicle shall be disposed of in such manner as may be ordered by that Government.

(4) If any person contravenes any order made under this rule, he shall be punishable with imprisonment for a term which may extend to six months, or with fine, or with both.

86. Unlawful drilling.—(1) The Central Government or the State Government may, by general or special order, prohibit or restrict in any area any such exercise movement, evolution or drill of a military nature as may be specified in the order.

(2) The Central Government or the State Government may by general or special order, with a view to securing that no unauthorised exercise, movement, evolution or drill of a military nature is performed at any place, prohibit, restrict or impose conditions on the holding of, or taking part in, any such camp, parade, meeting or assembly, or such class thereof, as may be specified in the order.

(3) If any person contravenes any order made under this rule, he shall be punishable with imprisonment for a term which may extend to five years, or with fine, or with both.

87. Unofficial uniforms, etc.—(1) If the Central Government or the State Government is satisfied that—

(a) the wearing in public of any dress or article of apparel resembling any uniform or part of a uniform required to be worn by a member of the Armed forces of the Union or by a member of any official Police Force or of any force constituted under any law for the time being in force, or

(b) the wearing or display in public of any distinctive dress or article of apparel or any emblem,

would be likely to prejudice the public safety, the maintenance of public order, the defence of India and civil defence or the efficient conduct of military operations, the Central Government or the State Government as the case may be, by general or special order, prohibit or restrict the wearing or display in public of any such dress, article of apparel or emblem.

(2) For the purposes of this rule, a dress, an article of apparel or an emblem shall be deemed to be worn or displayed in public if it is worn or displayed so as to be visible to a person in any place to which the public have access.

(3) If any person contravenes any order made under this rule, he shall be punishable with imprisonment for a term which may extend to three years, or with fine, or with both.

88. Power to require the assistance of certain persons.—(1) Any officer of Government authorised in this behalf by general or special order of the State Government may, within such area as may be specified in the order, require any male person in that area to assist in the maintenance or restoration of law and order or in the protection of property for such period and in such manner as the officer may direct.

(2) The Central Government or, with the previous sanction of the Central Government, the State Government may make orders regulating or empowering a specified authority to regulate the remuneration payable to, and other terms and conditions of employment of, persons who are required to assist under sub-rule (1).

(3) If any person fails to comply with any direction under sub-rule (1), he shall be punishable with imprisonment for a term which may extend to one year and shall also be liable to fine.

88-A.* Power to appoint special police officers.—(1) A District Magistrate, a Sub-Divisional Magistrate, any police officer not below the rank of Deputy Superintendent or any other officer of Government authorised in this behalf by the State Government may, by order, appoint persons to act as special police officers for such time and within such limits as may be specified in the order; and every person so appointed shall have the same powers, privileges

*Inserted vide Govt. of India, Ministry of Home Affairs notification No. G.S.R. 1593, dated the 24th November, 1962, as published in the Gazette of India, Extraordinary, Part II, section 3, sub-section (i).

and protection, shall be liable to perform the same duties and subject to the same disciplinary measures, and shall be subordinate to the same authorities as the ordinary officers of police within those limits.

(2) If any person, being appointed a special police officer as aforesaid, neglects or refuses, without sufficient excuse, to serve as such or to obey such lawful orders or directions as may be given to him for the performance of his duties, or withdraws from the duties of his office without permission, he shall be punishable with imprisonment for a term which may extend to three months, or with fine not exceeding one hundred rupees, or with both.

PART X

SHIPPING AND AIRCRAFT

89. Requiring vessels to leave ports.—(1) Any person authorised in this behalf by the Central Government may by order direct that any vessel at any port in India shall leave the port within such period as may be specified in the order or such other port in India by such route as may be so specified.

(2) If any order made under sub-rule (1) is contravened, the master of the vessel and the owner or other person having the management thereof shall each be deemed to have contravened the order, and shall be punishable with imprisonment for a term which may extend to five years, or with fine, or with both.

90. General control of navigation.—(1) The State Government as respects inland waters, and the Central Government as respects any waters, may by order make provision for regulating the places in or to which vessels may be or go, and the movements, navigation, pilotage, anchorage, mooring, berthing and lighting of vessels, in such waters.

(2) If in the case of any vessel any order made under sub-rule (1) is contravened, the master of the vessel shall be punishable with imprisonment for a term which may extend to five years, or with fine, or with both.

91. Power to exclude Indian vessels from particular areas.—(1) The Central Government may, if it appears to it to be necessary or expedient so to do for the purpose of facilitating the protection of shipping or the efficient conduct of military operations, by order require any vessel registered in India to leave, or to keep away from, any area specified in the order, and any such order may make provision for such incidental and supplementary matters as appear to the Central Government to be necessary or expedient.

(2) If in the case of any vessel registered in India an order under sub-rule (1) is contravened or not complied with, the master of the vessel and the owner or other person having the management thereof shall each be punishable with imprisonment for a term which may extend to five years, or with fine, or with both.

92. Control of buoys, lights, etc.—(1) No person shall, except under permission granted by the Central Government, discontinue, alter or remove, or make any variation in the mode of exhibiting or operating, any light, buoy, beacon or other apparatus used for the purpose of aiding the navigation of shipping or aircraft.

(2) The Central Government may make orders for prohibiting or restricting the exhibition or operation of, or requiring the removal, alteration or concealment of, or the making of any variation in the mode of exhibiting or operating, any such light, buoy, beacon or other apparatus as aforesaid.

(3) If any person contravenes any of the provisions of this rule, he shall be punishable with imprisonment for a term which may extend to five years, or with fine, or with both.

93. Measures for safety of Indian vessels.—(1) The Central Government may by order make provision—

(a) for securing that any vessel registered in India shall not, except under permission granted by the Central Government, proceed to sea from

any port (whether within or outside India) unless such requirements in respect of the alteration of the structure or external appearance of the vessel, and in respect of the equipping of the vessel with any particular apparatus, contrivance, appliance or defensive equipment, as may be contained in the order have been complied with;

- (b) for securing the proper maintenance and efficient use of any apparatus, contrivance, appliance or defensive equipment with which any such vessel is equipped in pursuance of the order;
- (c) for prescribing the wireless telegraph services to be maintained, and the number, grade qualifications of operators and watchers to be carried in connection with the operation of any wireless telegraphy apparatus provided in any such vessel, whether in pursuance of the order or otherwise;
- (d) for any incidental or supplementary matters for which it appears to the Central Government to be necessary for the purposes of the order to provide.

(2) An order under sub-rule (1) may be made so as to apply either to a particular vessel or to vessels of a particular class, and so as to apply to any such vessel or vessels either wherever it or they may be or while in such waters, or engaged on such voyages, as may be specified.

(3) If any vessel proceeds or attempts to proceed to sea in contravention of an order made under this rule, the master of the vessel and the owner or other person having the management thereof shall each be punishable with imprisonment for a term which may extend to five years, or with fine, or with both.

94. Measures for safety of vessels in ports.—(1) The Central Government may, in respect of any vessel or class of vessels while in port in India, by order make provision—

- (a) for securing that there shall be kept on board such vessel or vessels such class or description of persons, or such number of persons, or such number of persons of such class or description, as may be specified in the order;
- (b) for regulating the carrying out of any operations on board such vessel or vessels.

(2) Any member of the Armed forces of the Union acting in the conduct of his duty as such, or any other person authorised in this behalf by the Central Government, may at any time board and inspect any vessel to which any such order applies for the purpose of ascertaining whether the provisions of the order are being complied with.

(3) If any order made under sub-rule (1) is contravened the master of the vessel and the owner or other person having the management thereof shall each be deemed to have contravened the order, and shall be punishable with imprisonment for a term which may extend to six months, or with fine, or with both.

95. Additional measures for safety of vessels in ports.—(1) Any person authorised by the Central Government in this behalf may give directions to the owner or master of any vessel which is for the time being at a port in India or of any vessel registered in India which is for the time being at a port outside India requiring him—

- (a) to take such steps as may be specified in the directions for the purpose of securing that, while the vessel remains at the port, fires occurring in the vessel will be immediately detected and combated;
- (b) to secure that, while the vessel remains at the port, either at all times or during such periods as may be specified in the directions—
 - (i) in a case where the vessel is equipped with a gun or other instrument or device capable of being used to defend the vessel against hostile attack, the gun, instrument or device will be manned;
 - (ii) in a case where the vessel is propelled by mechanical power, the

vessel is capable of being moved under her own power and of proceeding to sea immediately when ordered to do so;

(iii) such precautions as may be specified in the directions will be taken to guard against attempts to interfere with, or damage the vessel or any part thereof or anything contained therein.

(c) for the purpose of taking such steps or securing such matters as aforesaid, to secure that such number of persons, or such number of persons of such class or description, as may be specified in the directions, shall be or remain on board the vessel, either at all times while the vessel remains at the port or during such periods as may be so specified;

(d) to do or not to do such other things as may appear necessary or expedient to do or not to do for the purpose of securing the safety of the vessel or preventing the vessel from endangering other vessels or property at the port in the event of fire, explosion, hostile attack or other similar occurrence.

(2) Any member of the Armed forces of the Union acting in the course of his duty as such, or any other person authorised in this behalf by the Central Government, may at any time board and inspect any vessel to which any directions given under sub-rule (1) relate for the purpose of ascertaining whether the directions are being complied with.

(3) Any person authorised by the Central Government in this behalf, if he considers that any vessel in any port in India, whether because it is on fire or has suffered damage by fire or otherwise, or for any other reason constitutes a danger to other vessels or to the efficient working of the port, may give directions to the owner or master of such a vessel requiring him to scuttle or beach the vessel in such a position as may be specified in the directions.

(4) If the owner or master of any vessel to which any directions given under sub-rule (1) or sub-rule (3) relate fails to comply with such directions, he shall be punishable with imprisonment for a term which may extend to three years, or with fine, or with both.

(5) Where to give effect to arrangements made for complying with directions given under sub-rule (1) as respects a vessel at a port in India, a person (not being a member of the crew of the vessel) has been engaged or required to perform duties on board a vessel, then, if he fails to perform those duties, he shall be punishable with imprisonment for a term which may extend to three years, or with fine, or with both.

96. *Loading of ships.*—(1) In this rule, unless the context otherwise requires,—

(a) “the Act” means the Merchant Shipping Act, 1958 (44 of 1958);

(b) “assigning authority” has the same meaning as in the load-line rules.

(c) “Load-line rules”, “load-line certificate” and “International load-line certificate” have the same meanings as in the Act;

(d) “unsafe ship” has the same meaning as in sub-section (1) of section 336 of the act.

(2) Sub-section (1) of section 313 of the Act shall have effect, in relation to a ship to which this sub-rule applies, subject to the following amendments:—

(a) where the ship is entitled under the load-line rules to be loaded to the depth indicated by the summer load-line prescribed by the said rules, the appropriate load-line for the purposes of the said sub-section shall be the tropical load-line so prescribed;

(b) where the ship is entitled under the load-line rules to be loaded to the depth indicated by the tropical load-line prescribed by the said rules, the appropriate load-line for the purposes of the said sub-section shall be the tropical fresh water load-line so prescribed.

(3) Subject to the provisions of this rule, sub-rule (2) shall apply to all ships registered in India (not being exempt from the provisions of Part IX of the Act,

relating to load-lines) with such exceptions and subject to such restrictions as may be specified in a general or special order by the Central Government.

(4) Sub-rule (2) shall not apply to a ship unless the load-line certificate issued in respect thereof bears an endorsement in the prescribed form signed by or on behalf of an assigning authority stating—

(a) that the ship is one to which the said sub-rule applies;

(b) the effect of the said sub-rule;

(c) any restrictions specified in any such order subject to which the said sub-rule applied to the ship.

(5) A certificate issued in respect of a ship shall not be endorsed by or on behalf of an assigning authority in pursuance of sub-rule (4) unless the authority is satisfied that the ship, if loaded in accordance with sub-section (1) of section 313 of the Act as amended by sub-rule (2), will not be an unsafe ship.

(6) It shall be the duty of the owner of every ship mentioned in sub-rule (3) not being a ship excepted by an order made by the Central Government under that sub-rule, to apply in writing to an assigning authority within the prescribed time for endorsement of the ship's load-line certificate in pursuance of sub-rule (4).

(7) After receiving any such application with respect to a ship, the assigning authority may by order in writing served on the owner or master of the ship exercise all or any of the following powers, namely:—

(a) require such documents and information with respect to the ship as may be specified in the order to be delivered to it within such period as may be so specified;

(b) require the ship to be submitted for survey at such place and within such period as may be so specified;

(c) in a case where it appears to the assigning authority (whether as result of a survey or otherwise) that the ship, if loaded as mentioned in sub-rule (5) would be an unsafe ship require the ship, within such period as may be so specified to be altered in such manner, or to be equipped with such apparatus contrivances or appliances, as may be so specified, being alterations or equipment which in its opinion will cause the ship not to be an unsafe ship if loaded as aforesaid;

(d) require the ship's load-line certificate to be delivered to it for endorsement within such period as may be so specified.

(8) The provisions of clause (b) of sub-section (1) of section 319 and sub-section (1) of section 320 of the Act shall, in the case of a ship the load-line certificate of which has been endorsed by virtue of sub-rule (4), have effect as if the particulars mentioned in the said provisions included particulars of the endorsement.

(9) Where the load-line certificate of a ship has been endorsed by virtue of sub-rule (4) and the ship ceases, by virtue of an order under sub-rule (3) to be a ship to which sub-rule (2) applies, the owner of the ship shall forthwith deliver up the certificate to an assigning authority who shall cancel the endorsement.

(10) Where the Central Government is satisfied that provision has been made by the law of any country to which the International Convention Respecting Load-lines, 1930, applies similar to the provisions of sub-rule (2) and for the endorsement of load-line certificate of ships of that country in manner similar to that required by sub-rule (4) it may by order direct that, where a certificate issued in respect of a ship of that country bears such an endorsement in such form as may be specified in the order, the certificate :

(a) shall be deemed for the purposes, of part IX of the Act, to be a valid international load-line certificate notwithstanding that it bears the endorsement, if, but for the endorsement, it would be such a certificate; and

(b) shall have effect, for the purposes of the said part IX as varied by the endorsement.

(11) Where an order is in force under sub-rule (10) as respects ships of any country, section 326 of the Act shall have effect in relation to any such ship as if the following sub-clause were substituted for sub-clause (i) of clause (b) thereof, namely:—

(i) in case of a ship in respect of which there is produced on such an inspection as aforesaid a valid international load-line certificate, the load-line appearing by the certificate to indicate the maximum depth to which the ship is for the time being entitled to be loaded.

(12) If any person contravenes any of the provisions of this rule, or any order made thereunder he shall be punishable with fine which may extend to one thousand rupees.

97. Provisioning of Vessels.—(1) The Central Government may for the purpose of securing the defence of India and civil defence, the public safety, the efficient conduct of military operations or for maintaining supplies and services essential to the life of the community, by general or special order make provision for requiring any—

(a) vessel proceeding to sea from a port in India on a voyage to any other port in India,

(b) vessel registered in India proceeding to sea from any port, to have on board such emergency rations supplies of fuel or other stores as may be specified in the order.

(2) Any provisions of an order under sub-rule (1) may be framed so as to apply to any specified class of such vessels and so as to apply to any such vessel while engaged in such trades as may be specified in the order.

(3) If any vessel proceeds or attempts to proceed to sea without complying with an order under sub-rule (1) or if otherwise there is any contravention of such an order in the case of a vessel, the master of the vessel and the owner or other person having the management thereof shall each be punishable with imprisonment for a term which may extend to six months, or with fine, or with both.

98. Power to require performance of services in certain ships.—(1) In this rule, “competent authority” means an officer appointed by the Central Government as such for the purposes of this rule.

(2) The competent authority may direct any person to perform such services in any ship as may be specified or described in the direction, being any services which that person is, in the opinion of the competent authority, accustomed to perform.

(3) Any services required to be performed by a direction under sub-rule (2) shall be performed on such terms as to remuneration and conditions of service as the competent authority may direct.

(4) If any person contravenes any direction given under this rule, he shall be punishable with imprisonment which may extend to two years, or with fine, or with both.

99. Employment in Indian vessels.—(1) The Central Government may as respects any class of vessels registered in India, by order make provision for prohibiting or restricting or regulating the employment on board the vessels to which the order applies, of any such class of persons as may be specified in the order.

(2) An order under sub-rule (1) may be made so as to restrict the employment of persons either in any capacity or in such capacity as may be specified and so to restrict the employment of persons on such vessels as aforesaid either wherever they may be or while in such waters, or engaged in such trades or on such voyages, as may be specified.

(3) If any person contravenes any order made under this rule, he shall be punishable with imprisonment for a term which may extend to five years, or with fine, or with both.

100. *Employment abroad of agents for Indian vessels.*—(1) The Central Government, with a view to preventing the employment abroad, in connection with the management of vessels registered in India of enemy aliens or persons connected with the enemy, may by order direct that, as from such date as may be specified, the owner, manager or charterer of any vessel registered in India, being a person reesident in India, or a corporation incorporated under any law in force in India, shall not employ in any foreign country or territory, in connection with the management of the vessel, any person other than a person approved for the purpose by the Central Government; and an order under this rule may be made so as to apply either generally to employment in such foreign countries or territories, or to employment in such foreign countries or territories, or such class of foreign countries or territories, as may be specified in the order.

(2) If any person contravenes any order made under this rule, he shall be punishable with imprisonment for a term which may extend to five years, or with fine, or with both.

101. *Power to restrict use of foreign ships.*—(1) In this rule "foreign ship" means a ship which is not a ship registered in India.

(2) The Central Government may by notified order make provision for regulating or restricting the charter by persons whether on their own behalf or as agents for other persons whether within or without India, of foreign ships or of space or accommodation therein and the entering into agreements, for the carriage of goods in foreign ships by or on behalf of persons in India.

(3) If any person contravenes the provisions of any order made under sub-rule (2), he shall be punishable with fine.

102. *Stopping of vessels.*—(1) The Central Government, if it appears to it to be necessary or expedient so to do in the interest of the defence of India and civil defence, the public safety, or the efficient conduct of military operations, or for maintaining supplies and services essential to the life of the community, may by order direct—

(a) as regards any class of vessels in India, that no vessel of that class shall leave any port or place in India at which it may be, or

(b) as regards any particular vessel at any port or place in India, that vessel shall not leave that port or place,

except with permission granted by such authority as may be specified in the order.

(2) If any vessel leaves or attempts to leave any port or place in contravention of an order made under sub-rule (1), the master of the vessel shall be punishable with imprisonment for a term which may extend to five years, or with fine, or with both.

103. *Power to restrict the transfer of aircraft.*—(1) No person shall, without the previous consent in writing of the Central Government, transfer or acquire any interest in any aircraft registered under the Aircraft Act, 1934 (22 of 1934), wherever such aircraft may be, whether the certificate of registration of such aircraft is in force or not, or in any part of an aircraft, or in any materials identified under any system, recognised by the Director-General of Civil Aviation in India, for the purpose of the construction of aircraft.

(1A) Any transaction effected in contravention of the provisions of sub-rule (1) shall be void and unenforceable.

(2) If any person contravenes any of the provisions of sub-rule (1), he shall be punishable with imprisonment for a term which may extend to seven years, or with fine, or with both.

104. *Enforcement of provisions of the Aircraft Act and Rules.*—The pilot of any aircraft flying in contravention of any provision of, or of any rule made under, the Aircraft Act, 1934 (22 of 1934), shall, on being warned in the manner prescribed by the rules made under that Act, immediately land, and if such pilot fails to comply with such warning as aforesaid, any commissioned officer

of the Armed forces of the Union may take or cause to be taken such action as may be necessary to terminate the flight.

105. Stopping of aircraft.—(1) Any person authorised in this behalf by the Central Government may, if it appears to that person to be necessary in the interests of the defence of India and civil defence so to do, order, with respect to any particular aircraft at any place in India, that the aircraft shall not leave the place until permitted to do so by such authority or person as may be prescribed in the order.

(2) Subject to the provisions of sub-rule (3), if any aircraft leaves or attempts to leave any place in contravention of any such order as aforesaid, the pilot of the aircraft shall be punishable with imprisonment for a term which may extend to three years or with fine or with both.

(3) Any order made under this rule shall cease to have effect ninety-six hours after the time at which it is made, unless in the meantime it has been confirmed by the Central Government.

106. Control of navigation of seaplanes.—(1) The Central Government may, by order, make provision as to the places in India in or to which seaplanes may be or go, and generally for regulating the movements, navigation, pilotage, anchorage, mooring, berthing and lighting of seaplanes on the surface of the water.

(2) For the purposes of this rule, seaplanes taking off from, or alighting on, the water shall be deemed to be on the surface of the water while they are in contact therewith.

(3) If in the case of any seaplane an order made under the provisions of sub-rule (1) is contravened, the pilot of the seaplane shall be punishable with imprisonment for a term which may extend to five years, or with fine, or with both.

PART XI

REQUISITION AND ACQUISITION OF MOVABLE PROPERTY

107. Definitions.—(1) In this Part,

(a) "Competent authority" means the Central Government or the State Government or any person appointed by the Central Government or the State Government to exercise the power of competent authority under any provision in this part; and

(b) "movable property" includes,—

(i) any vessel or aircraft for the time being in India;

(ii) any vessel or aircraft registered in India, wherever it may be; and

(iii) any property forming part of or on board any such vessel or aircraft.

(2) Any notice issued or order made under any provision in this part shall be deemed to have been served on the owner of any property if it is served on the person having possession or control of that property.

108. Requisitioning of property.—(1) If in the opinion of the competent authority it is necessary or expedient so to do for securing the defence of India and civil defence, the public safety, the efficient conduct of military operations or the maintenance of services and supplies essential to the life of the community, the competent authority may, by order in writing, requisition any movable property and may make such further orders as appear to it to be necessary or expedient in connection with the requisition.

(2) Where the competent authority has requisitioned any property under sub-rule (1), it shall vest in the Government for the period of the requisition and the Government may use or deal with it in such manner as may appear to it to be expedient.

(3) Without prejudice to any powers otherwise conferred by these rules, any person authorised by a competent authority may enter any premises and inspect any property therein or thereon for the purpose of determining, whether, and, if so, in what manner, any order under this rule should be made in relation to

such property, or with a view to securing compliance with any order made under this rule.

109. Release from requisition.—(1) The competent authority, may, at any time release from requisition any property requisitioned under rule 108 and shall, as far as possible, restore the property in as good a condition as it was when possession thereof was taken, subject only to the changes caused by reasonable wear and tear.

(2) Where any property is to be released from requisition, the competent authority may, after such enquiry, if any, as it may in any case consider necessary to make or cause to be made, specify by order in writing to whom possession of the property shall be given.

(3) The delivery of possession of the requisitioned property to the person specified in the order made under sub-rule (1) shall be a full discharge of the Government from all liability in respect of such property and the requisition shall be at an end:

Provided that nothing in this rule shall prejudice any rights in respect of the property which any other person may be entitled to by due process of law to enforce against the person to whom the possession of the property is so delivered.

(4) Where the person to whom the possession of any requisitioned property is to be given cannot be found and has no legal agent or other person empowered to accept delivery on his behalf, the competent authority shall cause a notice declaring that the property is released from requisition to be published in the official Gazette.

(5) When a notice referred to in sub-rule (4) is published in the official Gazette, the property specified in such notice shall cease to be subject to requisition on and from the date of such publication and be deemed to have been delivered to the person entitled to possession thereof and the Government shall not be liable for any compensation or other claims in respect of the property for any period after the said date.

110. Power to acquire requisitioned movable property.—(1) In respect of any property requisitioned under rule 108, the competent authority may, at any time, serve upon the owner or, if the owner cannot be found, publish in the official Gazette, a notice to the effect that the competent authority has decided to acquire such property in pursuance of this rule.

(2) When a notice as aforesaid is served upon the owner or published in the official Gazette as the case may be, the requisitioned property shall as and from the beginning of the day on which the notice is so served or published vest absolutely in the Government free from all encumbrances and the period of requisition of such property shall end.

111. Compensation for requisitioning of property.—The compensation payable in respect of requisitioning of any movable property, including vehicles, vessels and aircraft, shall be the sum total of the following items:—

- (i) interest on the cost at which the owner had purchased the property calculated in a manner and at a rate, not being below 3 per cent or above 6 per cent per annum, that may be prescribed by the Government by a general or special order for any class of property:

Provided that where the property had been obtained by the owner as a gift or its cost cannot be established by him to the satisfaction of the competent authority or its cost exceeds the current replacement price of the property, the current price of the same property or property which in the opinion of the competent authority, is substantially similar to it, shall be taken to be its cost;

- (ii) an amount representing depreciation of the property during the period of its requisition calculated at a rate not exceeding 30 per cent per annum and in a manner that may be prescribed by the Government by a general or special order for any class of property;

(iii)*an amount for the loss of the use of the property or of any profits that might have been earned but for the requisition, at such percentage, not being less than 3 per cent per annum, as may be prescribed by the Government, of the cost referred to in (i) above as reduced by depreciation calculated at the same rate as for (ii) above in such manner and for such period as may be so prescribed;

(iv) any further amount that the Central Government may by general or special order specify:

Provided that in the case of a property for which the full consideration due under a hire-purchase agreement has not been paid, so much of the compensation as relates to items (iii) and (iv) above shall be payable to the hirer and the balance, representing (i) and (ii) above shall be made over to the financier till he receives the full consideration and this provision shall override any terms to the contrary in the hire-purchase agreement:

Provided further that if during the period of requisition the property is damaged otherwise than by normal wear and tear or lost at a time when it is not insured, there shall be paid to the owner additional compensation of a sum equal to the cost of making good the damage or, in the case of a total loss, a sum equal to the compensation that may be payable if the property is acquired on the date of the loss, the compensation being determined in the manner set out below:

Provided also that the owner shall have the right to appeal to the Compensation Tribunal hereinafter provided, within thirty days of the receipt of the order of the competent authority assessing the compensation, in the form and manner that may be prescribed by the Central Government by a general or special order.

112. Compensation for acquisition of property.—The compensation payable in respect of the acquisition of any movable property shall be the controlled price of the property, that is to say, the price fixed by order under any law for the time being in force:

Provided that, in respect of the property the price of which is not controlled or which is not new, the compensation shall not exceed a sum equal to the price which might have to be paid for its replacement on the date of the acquisition, reduced by a sum equal to the depreciation of the property, calculated in the manner and at a rate not exceeding 30 per cent per annum prescribed by the Central Government in a general or special order for any class of property.

Explanation:—In arriving at the price which might have to be paid for the replacement of the property, no account shall be taken of any appreciation in the value thereof after the eighth day of October, 1962:

Provided further that the owner of the property shall have the right to appeal to the Compensation Tribunal hereinafter provided, within thirty days of the receipt of the order of the competent authority assessing the compensation in the form and manner that may be prescribed by the Central Government by a general or special order:

Provided also that where an agreement has been reached between the competent authority and the owner of the property, the compensation agreed to shall be payable, notwithstanding that it is more or less than the amount payable as aforesaid, unless it is revised by the Compensation Tribunal hereinafter provided, on a reference by the State or Central Government after giving an opportunity of being heard to the owner.

113. Compensation Tribunal.—(1) The Central Government shall by notification appoint a Compensation Tribunal for such area as may be specified in the notification to exercise the functions conferred on the Compensation Tribunal by the foregoing rules.

*Inserted *vide* Govt. of India, Ministry of Home Affairs notification No. G.S.R. 1593, dated the 24th November, 1962, as published in the Gazette of India, Extraordinary, Part II, section 3, sub-section (i).

(2) The Compensation Tribunal shall consist of—

- (i) a person who has for at least ten years either held a judicial post or been in practice as an Advocate of a High Court, and
- (ii) a person who has for at least ten years been in the practice of Accountancy as a Chartered Accountant under the Chartered Accountants Act, 1949 (37 of 1949), or as a registered accountant under any law previously in force or partly as a registered accountant and partly as a chartered accountant, or any person who has had, in the opinion of the Central Government, adequate experience of a character which renders him suitable for appointment to the Tribunal.

(3) If the members of a Tribunal constituted for any area differ in their assessment of the compensation payable to the owner of a property, the case shall be referred by the Central Government to a member of a Tribunal constituted for any other area and it shall be decided according to the assessment made by him.

(4) The orders passed by the Compensation Tribunal on appeal or revision shall be final.

(5) The Compensation Tribunal shall have all the powers of a Civil Court for the purpose of receiving evidence, administering oaths, enforcing the attendance of witnesses and compelling the discovery and production of documents and shall be deemed to be a Civil Court within the meaning of sections 480 and 482 of the Code of Criminal Procedure, 1898 (5 of 1898).

(6) The Central Government may, by order—

- (a) prescribe the procedure to be followed by the Compensation Tribunal in proceedings under this rule; and
- (b) make provision generally for carrying into effect the provisions of this rule.

114. Payment of compensation.—The compensation determined by the competent authority for requisitioning or acquiring property shall be paid within such period, at such intervals and in such manner as the Central Government may, by a general or special order, prescribe:

Provided that where payment of the compensation is delayed beyond the period so prescribed, interest shall be payable on the amount or part of the amount in arrear at such rate not being below 3 per cent or above 6 per cent per annum and with effect from such date or dates that the Central Government may prescribe by a general or special order.

115. Power to take up accommodation in vessels and aircraft.—(1) The competent authority may, by order in writing, require the owner of any vessel or aircraft registered in India,

- (i) to place at the disposal of the competent authority the whole or any part of the space or accommodation available on such vessel or aircraft and to employ such space or accommodation for the carriage of any persons, animals or things to any place specified in the order, and
- (ii) to undertake or permit to be undertaken such structural additions or alterations on board such vessel or aircraft as may be necessary for the safe carriage of any persons, animals or things.

(2) Whenever, in pursuance of clause (i) of sub-rule (1), any space or accommodation in any vessel or aircraft is placed at the disposal of the competent authority, there shall be paid to the owner of such vessel or aircraft such compensation as the competent authority may determine having regard to the rates usually paid by him for like space or accommodation during the twelve months immediately preceding the date of Proclamation of Emergency.

116. Power to require information etc.—A competent authority may, with a view to requisitioning any property or taking any other action with respect thereto in pursuance of the provisions of this part, by order in writing,

- (i) require any person to submit to it, within such time or at such intervals as may be specified in the order, such information and documents in his possession relating to the property as may be so specified, being information and documents reasonably necessary for carrying into effect the provisions of this part;
- (ii) direct that the owner, occupier or person in possession of the property shall not without the permission of the competent authority dispose of it, or remove it from the premises in which it is kept, till the expiry of such period as may be specified in the order.

117. Penalty for contravention of orders under this Part.—If any person contravenes any order made in pursuance of the provisions of this Part, he shall be punishable with imprisonment for a term which may extend to three years, or with fine, or with both.

PART XII

ESSENTIAL SUPPLIES AND WORK

118. Control of building operations.—(1) In this rule, “building” includes a compound wall, a concrete road inside private premises and any other structure in which stone, lime, sand, brick, cement, steel, or timber is used.

(2) The Central Government or the State Government, if in its opinion it is necessary so to do for the purpose of maintaining supplies and services essential to the life of the community, may by order direct that, within such areas as may be specified in the order, no building, or no building of such class as may be so specified, shall be erected, re-erected, constructed or altered except under the authority of a written permit granted by or on behalf of that Government.

(3) Every authority granting permits in pursuance of an order made under sub-rule (2) shall have power to impose on the permit-holder such conditions as that authority thinks fit for conserving essential building materials, and to revoke, or modify the terms of, any permit granted by it.

(4) If any person contravenes any order made under sub-rule (2) or fails to comply with any condition imposed under sub-rule (3), he shall be punishable with imprisonment for a term which may extend to six months, or with fine, or with both.

(5) If in the opinion of the Government making an order under sub-rule (2), any building has been erected, re-erected, constructed or altered in contravention thereof, that Government may by a further order in writing require the owner of the building to remove the unauthorised structure, within such period as may be specified in the order, and if the order is not complied with, the owner shall be punishable with fine extending to one hundred rupees for every day during which contravention continues.

119. Power to exempt buildings from the operation of building laws.—Nothing contained in any law for the time being in force, or in any rule made under any such law, to regulate the erection, re-erection, construction, alteration or maintenance of buildings, shall apply to any building the use of which by or on behalf of Government is certified by the Central Government or the State Government to be necessary or expedient for the successful conduct of military operations and the defence of India or civil defence or to any works executed, whether in relation to a building or otherwise, by any person with the sanction of the Central or the State Government, for the purpose of providing air raid shelter or rendering any building less vulnerable to hostile attack.

120. Restrictions on certain powers of local authorities.—(1) In this rule “the appropriate Government” means in relation to cantonment authorities and port authorities in major ports, the Central Government, and in relation to other local authorities, the Central Government or the State Government.

(2) No local authority shall, except with the permission of the appropriate Government, exercise its powers of entry and inspection, or its powers of calling for information, in respect of any buildings or other premises which the Central

Government may, with a view to prevent leakage of information valuable to the enemy, certify in this behalf; and the appropriate Government may, at the time of granting the permission or subsequently, impose such conditions as it thinks fit on the manner in which, and the extent to which, the powers shall be exercisable by or on behalf of the local authority in respect of those buildings or other premises.

(3) No local authority shall, except with the permission of the appropriate Government, exercise its powers of demolition in respect of any building which may be certified by the Central Government as being used for purposes essential to the defence of India and civil defence, the efficient conduct of military operations or the maintenance of essential services or supplies, and the appropriate Government may, at the time of granting the permission or subsequently, impose such condition as it thinks fit on the manner in which, and the extent to which the powers shall be exercisable by or on behalf of the local authority in respect of the building.

121. Power to do work on land.—(1) For the purposes of this rule and of rule 122, the doing of work on land shall include the demolition or rendering useless of anything placed in, on or over the land, the removal from the land of anything so demolished or rendered useless and the maintenance of any work or thing, in, on or over the land.

(2) Any member of the Armed forces of the Union acting in the course of his duty as such, and any other person authorised by the Central Government or the State Government in that behalf, may, if in the opinion of such member or person it is necessary or expedient so to do for securing the defence of India and civil defence, the public safety, the maintenance of public order or the efficient conduct of military operations, or for maintaining supplies and services essential to the life of the community, do any work on any land, or place anything in, on or over any land.

(3) If in the opinion of the Central Government or the State Government it is necessary or expedient so to do for securing the defence of India and civil defence, the public safety, the maintenance of public order, or the efficient conduct of military operations, or for maintaining supplies and services essential to the life of the community, that Government may by order provide for prohibiting or restricting the doing on any particular land of any such work as may be specified in the order.

122. Powers to require certain persons to do work.—(1) Any officer of Government authorised in this behalf by general or special order of the Central Government or the State Government may, within such area as may be specified in the order, require any male person in that area to assist in the doing of work on land for such period and in such manner as the officer may direct, being work the doing of which is in the opinion of the officer necessary to meet an actual or apprehended attack, or to repair or reduce the damage resulting therefrom or to facilitate offensive or defensive operations in the area.

(2) Any person doing work in compliance with any direction under sub-rule (1) shall be paid such remuneration for doing the work as the officer giving the direction may determine.

(3) If any person fails to comply with any lawful direction given to him under sub-rule (1), he shall be punishable with imprisonment for a term which may extend to six months, or with fine, or with both.

123. Salvage from premises damaged by military operations.—(1) The Central Government or the State Government may by general or special order provide—

(a) for the clearing of any premises which, in consequence of military operations, are substantially damaged or are contaminated by any lethal gas or noxious substance;

(b) for the protection of any animals, articles or things left upon such premises as aforesaid;

- (c) for the removal, storage or disposal of any such animals, articles or things as aforesaid, including the disinfection or destruction of animals, articles or things which may be a source of danger to public health or safety.

Explanation.—In this sub-rule, “premises” includes buildings, lands, harbours, docks, piers, wharves and other such places and “articles” include vehicles and vessels.

(2) Any animals, articles or things removed from any premises in accordance with an order under sub-rule (1) shall subject to any provisions of the order authorising destruction or disposal, be held on behalf of the person for the time being entitled thereto until they are delivered to him.

(3) Where any animals, articles or things are disposed of, whether by sale at the premises or otherwise, in accordance with an order under sub-rule (1), the net proceeds, if any, of such sale or disposal shall be held on behalf of the person for the time being entitled thereto until they are delivered to him.

(4) If any person contravenes the provisions of any order made under sub-rule (1), he shall be punishable with imprisonment for a term which may extend to six months, or with fine, or with both.

124. Control of Agriculture.—(1) The Central Government or the State Government, so far as it appears to it to be necessary or expedient for regulating or increasing the supply of articles which can be used in connection with the conduct of military operations or for maintaining supplies and services essential to the life of the community, may by notified order provide:—

- (a) for prohibiting, restricting, or otherwise controlling the cultivation of specified crops;
- (b) for bringing under cultivation any waste or arable land whether appurtenant to a building or not, and for the growing therein of specified crops;
- (c) for securing the utilisation of land for the cultivation of specified crops, or as pasture lands, or for any other agricultural purposes;
- (d) for adoption of measures for the protection of crops against pests and diseases and for the destruction of diseased or infested crops or trees which may be a danger to the neighbouring crops or trees;
- (e) for any incidental and supplementary matters for which the Central Government or the State Government thinks it expedient for the purposes of the order to provide including in particular the entering and inspection of land or premises to which the order relates with a view to securing compliance with the order; the seizure of any crops or other produce of land cultivated or grown in contravention of the order, and the grant or issue of permits and other documents for the purposes of the order; and an order under this rule may be made so as to apply either to persons or lands generally, or to any particular person or land or class of persons or lands, and so as to have effect either generally or in any particular area:

Provided that no order shall be made by a State Government under clause (a) except with the previous approval of the Central Government.

(2) If in the opinion of the State Government the person in possession or effective control of any land to which an order made under clause (b) of sub-rule (1) applies has failed to comply with the order, that Government may, without prejudice to any other action that may be taken against that person (hereinafter referred to as the defaulter) in respect of the contravention, by order direct that the land shall be placed in the exclusive possession of such person and for such period as may be specified in the order, and during the period of continuance of the last mentioned order the person specified therein shall have all the rights of the defaulter to manage the land and realise the profits arising therefrom and shall only be liable to pay on behalf of the defaulter the Government revenue, all other

charges of a public nature and the rent, if any, accruing due in respect of the land during that period.

(3) If any person contravenes any order made under this rule otherwise than under clause (b) of sub-rule (1), he shall be punishable with imprisonment for a term which may extend to three years, or with fine, or with both, and in addition, any Court trying such contravention may direct that any crops or other produce of land cultivated or grown in contravention of the order shall be forfeited to Government.

125. General control of industry, etc.—(1) In this rule, unless the context otherwise requires,—

- (a) any reference to any article or thing shall be construed as including a reference to electrical energy;
- (b) the expression “undertaking” means any undertaking by way of any industry, trade or business and includes the occupation of handling, loading or unloading of goods in the course of transport.

(2) If the Central Government or the State Government is of opinion that it is necessary or expedient so to do for securing the defence of India and civil defence, the efficient conduct of military operations or the maintenance or increase of supplies and services essential to the life of the community or for securing the equitable distribution and availability of any article or thing at fair prices, it may, by order, provide for regulating or prohibiting the production, manufacture, supply and distribution, use and consumption of articles or things and trade and commerce therein.

(3) Without prejudice to the generality of the powers conferred by sub-rule (2), an order made thereunder may provide—

- (a) for regulating by licences, permits or otherwise the production, manufacture, treatment, keeping, storage, movement, transport, distribution, disposal, acquisition, use or consumption of articles or things of any description whatsoever;
- (b) for prohibiting the withholding from sale, either generally or to specified persons or class or classes of persons, of articles or things ordinarily kept for sale and for requiring articles or things ordinarily kept for sale to be sold either generally or to specified persons or class or classes of persons or in specified circumstances;
- (c) for requiring any person holding in stock any article or thing to sell the whole or a specified part of the stock to the Government or to an officer or agent of the Government or to such other person or class or classes of persons and in such circumstances as may be specified in the order;
- (d) for securing the production or manufacture of specified articles or things in specified quantities and for effecting modification in the pattern of production or manufacture of such articles or things;
- (e) for controlling the prices or rates at which articles or things of any description whatsoever may be sold or hired or for relaxing any maximum or minimum limits otherwise imposed on such prices or rates;
- (f) for controlling the rates at which any vessel registered in India may be hired and the rates at which persons or goods may be carried in or on any such vessel;
- (g) for requiring any employers or class or classes of employers to supply to all or any class of their employees or to any class of dependents of such employees such articles or things in such quantities and at such price as may be specified in the order and to provide such accommodation and other facilities for taking meals at or near the place of employment as may be so specified;
- (h) for controlling the recruitment and employment of labour in such areas as may be specified in the order, with a view to securing that

efficient workers are available for undertakings which, in the opinion of the Government, are essential undertakings:

- (i) for regulating the carrying on of any undertaking engaged in, or capable of doing, work appearing to the Government essential to any of the above mentioned purposes, and, in particular,—
 - (i) for requiring work to be done by an undertaking;
 - (ii) for determining the order of priority in which, and the period or periods within which work shall be done by an undertaking;
 - (iii) for controlling or fixing the charges which may be made by the undertaking in respect of the doing of any work by it;
 - (iv) for requiring, regulating or prohibiting the engagement in the undertaking of any employees or class or classes of employees;
 - (v) for requiring the undertaking to provide adequate safeguards against sabotage;
- (j) for requiring persons engaged in the production, manufacture, supply or distribution of, or trade and commerce in any article or thing, to maintain and produce for inspection such books, accounts and records relating to their business and to furnish such information relating thereto and to employ such accounting and auditing staff as may be specified in the order;
- (k) for collecting any information or statistics with a view to regulating or prohibiting any of the aforesaid matters;
- (l) for requiring persons carrying on any industry, trade or business or employed in connection with any undertaking to produce to such authority as may be specified in the order, any books, account or other documents relating thereto; and for requiring such persons to furnish such authority as may be specified in the order such estimates, returns or other information relating to any industry, trade or business or any undertaking as may be specified in the order or demanded thereunder;
- (m) for the grant or issue of licences, permits or other documents, the charging of fees therefor, the deposit of such sum, if any, as may be specified in the order as security for the due performance of the conditions of any such licence, permit or other document, the forfeiture of the sum so deposited or any part thereof for contravention of any such conditions, and the adjudication of such forfeiture by such authority as may be specified in the order;
- (n) for any incidental or supplementary matters for which the Central Government or the State Government thinks it expedient for the purposes of the order to provide, including in particular, the entry into, search and inspection of premises, places, vehicles, vessels or aircraft, the seizure, subject to the provisions of sub-rule (7) by a person authorised to make such search of any articles or things in respect of which such person has reason to believe that a contravention of the order has been, is being or is about or likely to be committed.

(4) If it appears to the Central Government or the State Government that in the interests of the defence of India and civil defence, or the efficient conduct of military operations, or for maintaining supplies and services essential to the life of the community, it is necessary to exercise control over the whole or any part of an existing undertaking, that Government may by order authorise any person (hereinafter referred to as an authorised controller) to exercise, with respect to the undertaking or any part thereof specified in the order, such functions of control as may be provided by the order; and so long as an order made under this sub-rule is in force with respect to any undertaking or part of an undertaking—

- (a) the authorised controller shall exercise his functions in accordance with any instructions given to him by the Central Government or the State Government, so, however, that he shall not have power to give any directions inconsistent with the provisions of any Act or other instrument determining the functions of the undertakers except in so far as may be specifically provided by the order; and
- (b) the undertaking or part shall be carried on in accordance with any directions given by the authorised controller in accordance with the provisions of the order, and any person having any functions of management in relation to the undertaking or part shall comply with any such directions.

(5) The Central Government, so far as it appears to it to be necessary or expedient for securing the defence of India and civil defence or the efficient conduct of military operations, or for maintaining supplies and services essential to the life of the community, may direct the employment of persons subject to the Army Act, 1950, or the Air Force Act, 1950, or the Navy Act, 1957—

- (a) in any public utility service as defined in section 2 of the Industrial Disputes Act, 1947, or
- (b) in any undertaking or part thereof,
 - (i) which is being carried on by the Central or a State Government, or
 - (ii) which, in the opinion of the Central Government, is engaged in any trade or business essential to the life of the community, or
 - (iii) with respect to which an order made under sub-rule (4) is in force;

and thereupon it shall be the duty of every person so subject to obey any command given by any superior officer in relation to such employment and every such command shall be deemed to be a lawful command within the meaning and for the purpose of the Army Act, 1950, or the Air Force Act, 1950 or the Navy Act, 1957, as the case may be.

(6) A direction under sub-rule (5) may be made with or without the consent of the person carrying on the undertaking or part thereof to which the direction relates but if made without his consent shall be communicated to such person who shall thereupon be deemed to have contravened an order made under this rule if he obstructs or fails to facilitate the employment of persons subject to the Army Act, 1950, or the Air Force Act, 1950, or the Navy Act, 1957, in pursuance of the direction.

(7) Any articles or things seized under the authority of any order made under clause (n) of sub-rule (3) shall be conveyed without delay before a Magistrate who may give such directions as to their temporary custody as he thinks fit, so however that where no prosecution is instituted for a contravention of the order in respect of the articles or things seized within a period in his opinion reasonable and no action is taken for adjudging forfeiture of the articles or things under sub-rule (8), the Magistrate shall direct their return to the person from whom they were seized; and subject to the foregoing provisions of this sub-rule, the provisions of the Code of Criminal Procedure, 1898, shall, so far as they may be applicable, apply to any search or seizure under the authority of any such order as they apply to any search or seizure under Chapter VII of that Code.

(8) Where any articles or things are seized under the authority of an order relating to cotton cloth or yarn and the order provides for the forfeiture of articles or things in respect of which the order has been contravened, such forfeiture may, whether or not any prosecution is instituted for a contravention of the order, be adjudged by the Collector of the district or Presidency-town in which the articles are seized, and any forfeiture so adjudged shall, subject only to an appeal which shall lie to the State Government, be final:

Provided that an adjudication of forfeiture under this sub-rule shall be no bar to the prosecution or punishment of any person under the provisions of sub-rule (9).

(9) If any person contravenes any order made under this rule, he shall, be punishable with imprisonment for a term which may extend to three years or with fine, or with both and, if the order so provides any Court trying such contravention may direct that any property in respect of which the Court is satisfied that the order has been contravened shall be forfeited to Government.

126. Avoidance of strikes and lock-outs.—(1) If in the opinion of the Central Government or the State Government it is necessary or expedient so to do for securing the defence of India and civil defence, the public safety, the maintenance of public order or the efficient conduct of military operations, or for maintaining supplies and services essential to the life of the community, notwithstanding anything contained in any other provisions of these rules, the Central Government may, by general or special order, applying generally or to any specified area and to any undertaking or class of undertakings, make provision—

(a) for prohibiting subject to the provisions of the order a strike or lock-out in connection with any industrial dispute;

(b) for requiring employers, workmen or both to observe for such period as may be specified in the order such terms and conditions of employment as may be determined in accordance with the order:

Provided that no order made under clause (b) shall require any employer to observe terms and conditions of employment less favourable to the workmen than those which were applicable to them at any time within three months proceeding the date of the order.

(2) If any person contravenes any order made under this rule, he shall be punishable with imprisonment for a term which may extend to three years, or with fine, or with both.

(3) In this rule, the expressions “employer”, “lock-out”, “strike”, “industrial dispute” and “workman” shall have the meanings respectively assigned to them in section 2 of the Industrial Disputes Act, 1947 (14 of 1947).

PART XIII

TRANSPORT

127. Control of traffic at ports and aerodromes.—(1) Without prejudice to any order made under sub-rule (1) of rule 64 or to the provisions of any other of these Rules, the Central Government may by order make provision—

(a) for prohibiting, restricting or otherwise controlling the shipping or unshipping of persons, animals or goods or any specified class of persons, animals or goods;

(b) for prohibiting, restricting or otherwise controlling the embarking on or putting on board aircraft, or the disembarking or unloading from aircraft, of persons, animals or goods, or any specified class of persons, animals or goods;

(c) generally for regulating, facilitating or expediting any form of traffic at or in or in the vicinity of any port or aerodrome.

(2) If any person contravenes any order made under this rule, he shall be punishable with imprisonment for a term which may extend to three years, or with fine, or with both.

128. Congestion of traffic at ports and aerodromes and on railways.—(1) The appropriate authority may, for the purpose of preventing or avoiding any undue congestion at any port or aerodrome or on any railway premises cause to be removed therefrom, and kept at such places as that authority thinks proper, any goods which are not removed with reasonable despatch by or on behalf of the consignee.

(2) The cost of the removal and custody of any goods under sub-rule (1) shall be recoverable from the consignee as an arrear of land revenue by the appropriate authority, which for the purposes of such recovery shall be deemed to be a public officer within the meaning of section 5 of the Revenue Recovery Act, 1890 (1 of 1890).

(3) For the purposes of this rule, the expression "appropriate authority" means—

- (a) in respect of a port, the port authority of the port, or any person authorised by that authority or by the Central Government in this behalf;
- (b) in respect of an aerodrome, the Director General of Civil Aviation;
- (c) in respect of any railway premises, the officer authorised in this behalf by the railway administration concerned.

129. Handling and conveyance of ammunition, etc.—(1) If it appears to the Central Government to be necessary or expedient so to do for securing the defence of India and civil defence, or the efficient conduct of military operations, or for maintaining supplies essential to the life of the community, the Central Government may by notified order declare that such restrictions imposed by or under any law for the time being in force as may be specified in the order shall not apply to the loading, unloading, handling, storage, conveyance or importation of ammunition, explosives or inflammable substances in the service of the Union, or under instructions given on behalf of Government, or for purposes of defence, or in such other circumstances, as may be specified in the order.

(2) When a declaration has been made under sub-rule (1), the Central Government may by order make such provision as appears to it to be required in the interests of safety, for regulating the loading, unloading, handling, storage and conveyance of ammunition, explosives and inflammable substances to which the declaration applies.

(3) The Chief Inspector of Explosives in India may, if it appears to him necessary or expedient so to do for any of the purposes mentioned in sub-rule (1), authorise in special cases the relaxation or modification of any restrictions imposed by or under any law on the loading, unloading, handling, storage or conveyance of ammunition, explosives or inflammable substances.

(4) If any person contravenes any order made under sub-rule (2), he shall be punishable with imprisonment for a term which may extend to two years, or with fine, or with both.

130. Vehicles belonging to the Central Government.—(1) If it appears to the Central Government to be necessary or expedient so to do for securing the defence of India and civil defence, or the efficient conduct of military operations, the Central Government may by notified order declare that nothing in any restriction imposed by or under any law for the time being in force shall apply to, or to the driver or person in charge of, any vehicle or class of vehicles which is the property of the Central Government in the Defence Ministry or which is otherwise in the service of Government for purposes of defence or which is engaged in any such work as may be specified by the Central Government.

(2) When a declaration has been made under sub-rule (1), the Central Government may by order make such provision as appears to it to be required in the interests of safety for regulating the use of the vehicle or class of vehicles to which or the qualifications or conduct of the driver or person in charge to whom, the declaration applies.

131. Control of road and water transport.—(1) In this rule—

- (a) "vehicle" means any vehicle used, or capable of being used, for the purpose of road transport, whether propelled by mechanical power or otherwise, and whether used for drawing other vehicles or otherwise, and includes a tramcar and a trolley-vehicle;
- (b) "animal" means any animal used, or capable of being used, for the transport of persons or goods;

(c) "water transport" means transport on inland water-ways or tidal waters or along the coast and includes transport by sea in country craft to any place whether within or outside India.

(2) Without prejudice to any other provision of these Rules, the Central Government or the State Government may by general or special order—

- (a) regulate, restrict or give directions with respect to, the use of any animal or vehicle for the purpose of road transport, or the sale or purchase of any animal or vehicle;
- (b) require any person owning, or having in his possession or under his control, any animal or vehicle to make to any person specified in this behalf a return giving such particulars as may be specified in the order with regard to such animal or vehicle and require such return to be verified in such manner as may be specified in the order;
- (c) require any person owning, or having in his possession or under his control, any animal or vehicle to give notice in such manner as may be specified in the order before disposing thereof or allowing it to pass out of his possession or control;
- (d) require any person owning, or employed in connection with, or having in his possession or under his control, any animal or vehicle to comply with any directions given by any persons specified in, or duly authorised in pursuance of, the order; and such directions may require the person owning, or employed in connection with, or having in his possession or under his control, any animal or vehicle to use such animal or vehicle for the conveyance of such persons or goods at such time and by such routes as may be set forth in the directions;
- (e) prescribe the conditions subject to which, and the rates at which, any animal or vehicle may be hired for the purpose of road transport and persons or goods may be carried by road, and the conditions subject to which goods so carried or to be carried may be discharged or loaded;
- (f) provide for prohibiting or restricting the carriage of persons or goods of any class by road, and for prescribing the radius or distance within which persons or goods of any class may be carried by road;
- (ff) provide for prohibiting any person or class of persons from travelling by any vehicle or class of vehicles;
- (g) provide for the giving of directions with respect to the carriage of persons or goods on any particular vehicle, or by any particular route, or to any particular clearing house or depot;
- (gg) provide for prohibiting or restricting the carriage of persons or goods by any vehicle or class of vehicles, either generally or between any particular places or on any particular route;
- (h) provide for the regulation of the priority in which persons and goods are to be carried by road and vehicles are to be used for the purpose of road transport;
- (i) make such other provisions in relation to road transport as appear to that Government to be necessary or expedient for securing the defence of India and civil defence, the public safety, the maintenance of public order or the efficient conduct of military operations or for maintaining supplies and services essential to the life of the community.

(3) If any police officer or any other person authorised by the Central Government or the State Government in this behalf has reason to believe that any animal or vehicle, is or is kept, in or upon any building, land or other premises, or is

being used by any person in contravention of an order made under sub-rule (2), such officer or person may—

- (i) enter and search such building, land or other premises, and seize any animal or vehicle found therein or thereon which he suspects to be therein or thereon in contravention of the order;
- (ii) stop such person and seize any animal or vehicle which is being used in contravention of the order.

(4) The Central Government or the State Government may declare any animal or vehicle seized in pursuance of sub-rule (3) to be forfeited to Government and thereupon such animal or vehicle shall be disposed of in such manner as may be ordered by that Government.

(5) The provisions of sub-rules (2), (3) and (4) shall also apply in relation to water transport and vessels used or capable of being used for the purpose of water transport as they apply in relation to road transport and vehicles.

(6) If any person contravenes any order made in pursuance of this rule, he shall be punishable with imprisonment for a term which may extend to six months, or with fine, or with both.

PART XIV

FINANCIAL PROVISIONS

132. *Prohibitions regarding coins and notes.*—(1) In this rule,—

- (i) the expression “coin” means coin which is legal tender under the Indian Coinage Act, 1906 (3 of 1906);
- (ii) the expression “note” means a Reserve Bank of India note or a currency note of the Government of India or a Government of India one rupee note issued under the Currency Ordinance, 1940 (4 of 1940);
- (iii) the expression “small coin” means any coin other than a rupee.

(2) No person shall,—

- (a) buy or sell, or offer to buy or sell, for an amount other than its face value, any coin or note; or
- (b) accept or offer to accept in payment of a debt or otherwise, any coin or note for an amount other than its face value; or
- (c) refuse to accept, in payment of a debt or otherwise, any coin or note; or
- (d) acquire coin to an amount in excess of his personal or business requirements for the time being which, in the case of an acquisition of coin from any Currency Office, Treasury, Sub-Treasury or branch of the State Bank of India doing treasury business, shall be determined by the officer in charge of such Currency Office, Treasury, Sub-Treasury or branch whose determination shall be final and shall not be called in question in any legal proceedings; or
- (e) possess small coin in any amount in excess of his personal or business requirements for the time being.

(3) If any person contravenes any of the provisions of this rule, he shall be punishable with imprisonment for a term which may extend to five years, or with fine, or with both.

133. *Regulation of dealings in securities.*—(1) No person shall buy or sell, or offer to buy or sell, whether on behalf of himself or of any other person any securities at less than such prices as the Central Government may notify in this behalf.

(2) For the purposes of regulating contracts in securities or for any other purposes connected therewith or ancillary thereto, the Central Government may issue to any individual or any body of individuals constituted for the purpose of assisting, regulating or controlling the business of buying, selling or otherwise dealing in securities, whether incorporated or not and whether recognised or

not, such directions as the Central Government may deem fit and any person to whom or in relation to whom any directions are issued shall be bound to comply with such directions.

(3) If any person contravenes the provisions of this rule he shall be punishable with imprisonment for a term which may extend to five years, or with fine, or with both.

Explanation.—For the purposes of this rule, “securities” shall include:

- (a) Government securities as defined in section 2 of the Public Debt Act, 1944;
- (b) shares, scrips, stocks, bonds, debentures, debenture stock or other marketable securities of a like nature in or of any incorporated company or other body corporate; and
- (c) rights or interests in securities.

PART XIV-A*

CONTROL OF TRADING WITH ENEMY

133-A. Definition.—For the purposes of this Part, the expression “enemy” means—

- (a) any person or country committing external aggression against India, or
- (b) any individual resident in enemy territory, or
- (c) any body of persons constituted or incorporated in enemy territory, or in, or under the laws of, a State which has committed external aggression against India, or
- (d) any body of persons, whether incorporated or not, carrying on business in any place, if and so long as the body is controlled by a person who, under this rule, is an enemy, or
- (e) as respects any business carried on in enemy territory, any individual or body of persons, whether incorporated or not, carrying on that business, or
- (f) any person to whom the Registration of Foreigners Act, 1939, and the Foreigners Act, 1946, apply by virtue of section 2 of the Foreigners Law (Application and Amendment) Act, 1962, and who is either—
 - (i) arrested under the Foreigners (Internment) Order, 1962; or
 - (ii) declared by the Central Government to be an enemy, or
- (g) any other person or body of persons declared by the Central Government to be an enemy on the ground that such person or body of persons is engaged in any financial, contractual, commercial or other intercourse or dealings with any country, person or body of persons referred to in clauses (a) to (e) of this rule.

133-B. Prohibition of trading with the enemy.—(1) For the purposes of this Part, a person shall be deemed to have traded with the enemy if he has had any commercial, financial or other intercourse or dealings with, or for the benefit of, an enemy, and, in particular, but without prejudice to the generality of the foregoing provision, if he has—

- (i) supplied any goods to or for the benefit of an enemy, or obtained any goods from an enemy or traded in, or carried, any goods consigned to or from an enemy or destined for or coming from enemy territory, or
- (ii) paid or transmitted any money, negotiable instrument or security for money to or for the benefit of an enemy or to a place in enemy territory, or

*Inserted *vide* Govt. of India, Ministry of Home Affairs notification No. G.S.R. 1593, dated the 24th November, 1962, as published in the Gazette of India, Extraordinary, Part II, section 3, sub-section (i).

(iii) performed any obligation to, or discharged any obligation of, an enemy, whether the obligation was undertaken before or after the commencement of the Ordinance:

Provided that a person shall not be deemed to have traded with the enemy by reason only that he has—

- (a) done anything under an authority given generally or specially by, or by any person authorised in that behalf by, the Central Government, or
- (b) received payment from an enemy of a sum of money due in respect of a transaction under which all obligations on the part of the person receiving payment had already been performed when payment was received and had been performed at a time when the person from whom the payment was received was not an enemy.

(2) Any reference in this rule to an enemy shall be construed as including a reference to a person acting on behalf of an enemy.

(3) Any person who trades with the enemy shall be punishable with imprisonment for a term which may extend to seven years or with fine or with both.

(4) In any proceedings for an offence of trading with the enemy, the fact that any document has been despatched addressed to a person in enemy territory shall, unless the contrary is proved, be evidence, as against any person who was a party to the despatch of the document, that the person to whom the document was despatched was an enemy.

133-C. Control of rights, etc., in respect of trading with the enemy.—No transaction which constitutes an offence of trading with the enemy shall, except to such extent as the Central Government may by general or special order regulate, be effective so as to confer any rights or remedies on the parties to such transaction or on any persons claiming under them.

133-D. Power to appoint Controllers, etc., of Enemy Trading.—The Central Government may, either generally or for any particular area, appoint one or more Controllers, Deputy Controllers and Inspectors, of Enemy Trading, for securing compliance with the provisions of this Part, and may, by general or special order, provide for the distribution and allocation of the work to be performed by them under these Rules.

133-E. Powers of the Controllers, etc., of Enemy Trading.—(1) If a Controller, or Deputy Controller, of Enemy Trading has reasonable cause to believe that an offence punishable under rule 133-B, has been, or is likely to be, committed, he may—

- (a) inspect or cause to be inspected any books or documents belonging to, or under the control of, any person,
- (b) order any person to give such information in his possession with respect to any business carried on by that or any other person as the Controller or Deputy Controller, as the case may be, may demand, and for the purposes aforesaid, may,—
 - (i) enter and search, or authorise a police officer not below the rank of Sub-Inspector to enter and search, any premises used for the purposes of the said business,
 - (ii) summon any person, examine him on oath, reduce his answers to writing and require him to sign the writing, and
 - (iii) if any person so summoned fails to appear at the time appointed, cause him to be apprehended by a police officer and brought before him for examination.

(2) A Controller, or Deputy Controller, of Enemy Trading may by order in writing delegate his powers in any particular case to an Inspector of Enemy Trading.

133-F. Supervision of suspected business.—If in order to secure compliance with the provisions of this Part the Central Government considers it expedient

so to do, it may by order direct that the business of any person (hereinafter referred to as the suspected person) shall be subjected to supervision, and, thereupon a Controller of Enemy Trading and any person authorised by a Controller in this behalf shall have in relation to that business—

- (a) all the powers mentioned in rule 133-E,
- (b) the power to prohibit or regulate by means of written instructions to the suspected person or his agents or employees any transactions or class of transactions of that person, and
- (c) such other powers as may from time to time be conferred on him by the Central Government.

133-G. Penalty for failure to comply with orders of Controllers, etc.—If any person contravenes any order lawfully given by any Controller, Deputy Controller, or Inspector, of Enemy Trading or any person authorised by a Controller under rule 133-F, that person shall be punishable with imprisonment for a term which may extend to six months, or with fine, or with both.

133-H. Penalty for concealment, destruction, etc., of books or documents.—If any person with intent to evade the provisions of this Part conceals, destroys, mutilates, or defaces any book or other document, that person shall be punishable with imprisonment for a term which may extend to five years, or with fine, or with both.

PART XIV-B*

CONTROL OF ENEMY FIRMS

133-I. Definitions.—In this Part—

(1) “enemy subject” means—

- (a) any individual who possesses the nationality of a State which has committed external aggression against India, or having possessed such nationality at any time has lost it without acquiring another nationality, or
- (b) any body of persons constituted or incorporated in or under the laws of such State;

(2) “enemy firm” means—

- (a) any enemy subject who is, or at any time subsequent to the 25th October, 1962, was carrying on any business in India, or
- (b) any firm, whether constituted in India or not, of which any member or officer is, or at any time subsequent to the 25th October, 1962, was an enemy subject, and which is, or at any time subsequent to the 25th October, 1962, was carrying on business in India, or
- (c) any company, whether incorporated in India or not, of which any officer is, or at any time subsequent to the 25th October, 1962, was an enemy subject, and which is, or at any time subsequent to the 25th October, 1962, was carrying on business in India, or
- (d) any person or body of persons, whether incorporated or not, who or which in the opinion of the Central Government is, or at any time subsequent to the 25th October, 1962, was carrying on business in India—
 - (i) under the control whether direct or indirect of any enemy subject, or
 - (ii) wholly or mainly for the benefit of enemy subjects generally or any class of enemy subjects or any individual enemy subject;

(3) “enemy currency” means any such note or coins as circulate as currency in any enemy territory or any such other notes or coins as are

*Inserted vide Govt. of India, Ministry of Home Affairs notification No. G.S.R. 1593, dated the 24th November, 1962, as published in the Gazette of India, Extraordinary, Part II, section 3, sub-section (i).

for the time being declared by an order of the Central Government to be enemy currency;

- (4) "enemy property" means any property for the time being belonging to or held or managed on behalf of an enemy as defined in rule 133-A, an enemy subject or an enemy firm:

Provided that where an individual enemy subject dies in India any property which, immediately before this death, belonged to or was held by him, or was managed on his behalf, may notwithstanding his death continue to be regarded as enemy property for the purposes of rule 133-V;

- (5) "securities" includes shares, stock, bonds, debentures and debenture stock, but does not include bills of exchange.

133-J. Prohibition of trade with enemy firms and purchase of enemy currency.—(1) No person shall, directly or indirectly—

- (a) advance money to, or enter into any contract with, any enemy firm; or
- (b) pay any sum of money to, or for the benefit of, an enemy firm; or
- (c) give any security for the payment of any debt or any other sum of money for the benefit of an enemy firm; or
- (d) act on behalf of an enemy firm in drawing, accepting, paying, presenting for acceptance or payment, negotiating or otherwise dealing with, any negotiable instrument; or
- (e) accept, pay, or otherwise deal with, any negotiable instrument which is held by, or on behalf of, an enemy firm; or
- (f) enter into any new transaction, or complete any transaction already entered into, with an enemy firm in respect of any stocks, shares or other securities; or
- (g) make or enter into any new policy of contract of insurance (including re-insurance) or accept or give effect to any insurance of any risk arising under a policy or contract of insurance (including re-insurance) made or entered into with, or for the benefit of, an enemy firm; or
- (h) supply to, or for the use or benefit of, or obtain from, an enemy firm, any goods, wares or merchandise, or trade in or carry any goods, wares or merchandise destined for an enemy firm; or
- (i) enter into any other commercial or financial obligation or contract with, or for the benefit of, an enemy firm.

(2) In any proceeding arising out of a contravention of clause (e) of sub-rule (1) it shall be a defence for the accused to prove that at the date of the contravention he had no reasonable ground for believing that the negotiable instrument was held by or on behalf of an enemy firm.

(3) No person shall, directly or indirectly purchase enemy currency.

(4) Nothing in this rule shall be deemed to prohibit anything expressly permitted by or under the authority of the Central Government.

(5) If any person contravenes any of the provisions of this rule, he shall be punishable with imprisonment for a term which may extend to seven years, or with fine, or with both.

133-K. Power to appoint Controllors, etc., of enemy firms.—The Central Government may, either generally or for any particular area, appoint one or more Controllors, Deputy Controllors and Inspectors, of Enemy Firms, for securing compliance with the provisions of this Part, and may, by general or special order, provide for the distribution and allocation of the work to be performed by them under these Rules.

133-L. Powers of Controllors, etc., of enemy firms.—If a Controller, Deputy Controller or Inspector of Enemy Firms has reasonable cause to believe that an offence punishable under rule 133-J has been, or is likely to be, committed;

he may—

- (a) inspect or cause to be inspected any books or documents belonging to, or under the control of any person,
- (b) order any person to give such information in his possession with respect to any business carried on by that or any other person as the Controller, Deputy Controller or Inspector, as the case may be, may demand, and for the purposes aforesaid, may
 - (i) enter on any premises used for the purposes of the business,
 - (ii) summon any person, examine him on oath, reduce his answers to writing and require him to sign the writing,
 - (iii) if any person so summoned fails to appear at the time appointed, cause him to be apprehended by a police officer and brought before him for examination.

133-M. Supervision of suspected business.—If it appears to a Controller of Enemy Firms that it is expedient for securing compliance with the provisions of this Part that any business should be subject to supervision, he may by order in writing direct that the business shall be subject to supervision, and thereupon any Controller, Deputy Controller or Inspector of Enemy Firms may for the purposes of such supervision exercise all or any of the powers mentioned in rule 133-I, and such other powers as may from time to time be conferred on him by the Central Government.

133-N. Supervision of firms suspected to be enemy firms.—(1) If it appears to a Controller of Enemy Firms that it is expedient for securing compliance with the provisions of this Part that the business of a person or body of persons suspected by him to be an enemy firm should be subject to supervision, he may, pending a decision by the Central Government in the matter, by order in writing direct that the business shall be subject to supervision for a period which shall not, without the previous sanction of the Central Government, exceed one month; and, thereupon, any Controller, Deputy Controller or Inspector, of Enemy Firms may—

- (a) exercise, for the purposes of such supervision, all or any of the powers mentioned in rule 133-L;
- (b) by order in writing cancel any transaction of the firm which, in his opinion, is injurious to the public interest or is intended to evade the provisions of this Part;
- (c) authorise the business of the firm to be carried on under such management as may be approved by him or subject to such conditions as he may deem fit to impose;
- (d) himself carry on the business of the firm, if, in his opinion, no suitable management is available.

(2) Where a business is subjected to supervision under sub-rule (1), the Central Government may direct the Controller to recover from the assets of the firm concerned such fee, not exceeding the cost of supervision, as the Central Government may deem fit to impose.

133-O. Penalty for failure to comply with orders of Controller, etc.—If any person contravenes any order lawfully given by any Controller, Deputy Controller, or Inspector, of Enemy Firms, that person shall be punishable with imprisonment for a term which may extend to six months, or with fine, or with both.

133-P. Penalty for concealment, destruction, etc., of books or documents.—If any person with intent to evade the provisions of this Part conceals, destroys, mutilates or defaces any book or other document which a Controller, Deputy Controller, or Inspector, of Enemy Firms is empowered under rule 133-L or rule 133-M to inspect, that person shall be punishable with imprisonment for a term which may extend to five years, or with fine, or with both.

133-Q. *Contracts with enemy firms.*—Where it appears to the Central Government that a contract entered into, whether before or after the commencement of the Ordinance, with a person or body of persons who at the time of such contract was, or subsequent to such contract became, an enemy as defined in rule 133-A or an enemy subject, or an enemy firm is injurious to the public interest, or was entered into with a view to evade the provisions of this Part, the Central Government may by order cancel or determine such contract either unconditionally or upon such conditions as it thinks fit.

133-R. *Transfer of property to or by enemy firms.*—(1) Where it appears to the Central Government that a transfer of property movable or immovable made, whether before or after the commencement of the Ordinance, to or by a person or body of persons who at the time of such transfer was, or subsequent to such transfer became, an enemy as defined in rule 133-A or an enemy subject or an enemy firm is injurious to the public interest or was made with a view to evade the provisions of this Part, the Central Government may, by order, declare such transfer, and any subsequent transfer or sub-transfer of the same property or part thereof, to be void, either in whole or in part, or may impose such conditions on the transferee as it thinks fit.

(2) On the making of an order under sub-rule (1) declaring any transfer, subsequent transfer or sub-transfer of any property to be void, that property shall, with effect from the date of the order, be deemed to be revested in the original transferor.

133-S. *Transfer and allotment of securities to or by enemy firms.*—(1) If any securities are transferred by, or allotted or transferred to, an enemy firm, then, except with the sanction of the Central Government, the transferee or allottee shall not by virtue of the transfer or allotment have any rights or remedies in respect of the securities; and no body corporate by which the securities were issued, or are managed, shall take cognizance of, or otherwise act upon, any such transfer except under the written authority of the Central Government.

(2) No share warrants, stock certificates or bonds shall be issued, payable to bearer, in respect of securities registered or inscribed in the name of an enemy firm or of a person acting on behalf, or for the benefit, of an enemy firm.

(3) If any person contravenes any of the provisions of this rule, he shall be punishable with imprisonment for a term which may extend to six months, or with fine, or with both.

133-T. *Transfer of negotiable instruments and actionable claims by enemy firms.*—(1) No transfer of a negotiable instrument or an actionable claim by or on behalf of an enemy firm nor any subsequent transfer thereof shall, except with the sanction of the Central Government, be effective so as to confer any rights or remedies in respect of the negotiable instrument or, as the case may be, the actionable claim.

(2) If any person by payment or otherwise purports to discharge any liability from which he is relieved by sub-rule (1) knowing the facts by virtue of which he is so relieved, he shall be punishable with imprisonment for a term which may extend to six months, or with fine, or with both:

Provided that in any proceedings in pursuance of this sub-rule it shall be a defence for the accused to prove that at the time when he purported to discharge the liability in question he had reasonable grounds for believing that the liability was enforceable against him by order of a competent court, not being a court in India or in a State committing external aggression against India, and would be enforced against him by such an order.

(3) Where a claim in respect of a negotiable instrument or an actionable claim is made against any person who has reasonable cause to believe that, if he satisfied the claim, he would thereby be committing an offence punishable under sub-rule (2), that person may pay into a competent civil court any sum which but for the provisions of sub-rule (1) would be due in respect of the claim and thereupon the payment shall for all purposes be a good discharge to that person.

133-U. Power to carry on business of enemy firm.—(1) Where it appears to the Central Government that the control or management of an enemy firm has been, or is likely to be, so affected by external aggression as to prejudice the effective continuance of its trade or business, and that it is in the public interest that the trade or business should continue to be carried on, the Central Government may by order authorise a person to carry on the trade or business in such manner and to such extent as may be prescribed.

(2) While a person authorised under sub-rule (1) is carrying on the trade or business of any enemy firm,—

- (a) such person shall be deemed to be acting as the agent of the firm and, subject only to such restrictions as the Central Government may impose, shall have in relation to the management of the affairs of the firm all such powers and authority as the firm itself would have if it were not an enemy firm, provided that any person having any commercial, financial or other intercourse or dealings with such person while so acting, shall not, merely by reason of such intercourse or dealings, be deemed to have contravened the provisions of rule 133-B or rule 133-J;
- (b) such person shall be entitled to the management of the affairs of the firm to the exclusion of any other person acting or purporting to act on behalf of the firm, and for the purposes of such management shall be entitled to employ such staff or other agency as he thinks fit;
- (c) such person shall not, in respect of such matters relating to the said management as may be specified by order of the Central Government be bound by any obligation or limitation imposed on him as agent of the firm by or under any law, instrument or contract;
- (d) such person shall be entitled to retain out of the assets of the firm all costs, charges and expenses of, or incidental to the said management, and such remuneration as may be prescribed; and
- (e) the firm shall not have the right to control the carrying on of the trade or business.

(3) No person authorised under sub-rule (1) to carry on the trade or business of an enemy firm shall be personally liable for acts done by him in good faith in the course of management of such trade or business.

(4) The provisions of this rule shall apply also in relation to a body of persons, whether incorporated or not, which is an enemy as defined in rule 133-A and which is, or at any time subsequent to the 25th of October, 1962, was carrying on business in India, as they apply in relation to an enemy firm.

133-V. Collection of debts of enemy firm and custody of property.—(1) With a view to preventing the payment of moneys to an enemy firm and preserving enemy property, the Central Government may appoint a Custodian of Enemy Property for India and one or more Deputy Custodians and Assistant Custodians of Enemy Property for such local areas as may be prescribed and may by order—

- (a) require the payment to the prescribed custodian of money which would but for these rules be payable to or for the benefit of an enemy firm; or which would but for the provisions of rule 133-Q and rule 133-T be payable to any other person and upon such payment the said money shall be deemed to be property vested in the prescribed custodian;
- (b) vest, or provide for and regulate the vesting, in the prescribed custodian such enemy property as may be prescribed;
- (c) vest in the prescribed custodian the right to transfer such other enemy property as may be prescribed, being enemy property which has not been, and is not required by the order to be, vested in the custodian;
- (d) confer and impose on the custodian and on any other person such

rights, powers, duties and liabilities as may be prescribed as respects—

- (i) property which has been or is required to be, vested in a custodian by or under the order,
- (ii) property of which the right of transfer has been, or is required to be, so vested,
- (iii) any other enemy property which has not been, and is not required to be, so vested,
- (iv) money which has been, or is by the order required to be, paid to a custodian;
- (e) require the payment of the prescribed fees to the custodian in respect of such matters as may be prescribed and regulate the collection of and accounting for such fees;
- (f) require any person to furnish to the custodian such returns, accounts and other information and to produce such documents, as the custodian considers necessary for the discharge of his functions under the order;

and any such order may contain such incidental and supplementary provisions as appear to the Central Government to be necessary or expedient for the purposes of the order.

(2) Where any order with respect to any money or property is addressed to any person by a custodian and accompanied by a certificate of the custodian that the money or property is money or property to which an order under sub-rule (1) applies, the certificate shall be evidence of the facts stated therein, and if that person complies with the order of the custodian, he shall not be liable to any suit or other legal proceeding by reason only of such compliance.

(3) Where, in pursuance of an order made under sub-rule (1)—

- (a) any money is paid to a custodian, or
- (b) any property, or the right to transfer any property, is vested in a custodian, or
- (c) an order is given to any person by a custodian in relation to any property which appears to the custodian to be property to which the order under sub-rule (1) applies,

neither the payment, vesting nor order of the custodian nor any proceedings in consequence thereof, shall be invalidated or affected by reason only that at a material time—

- (i) some person who was or might have been interested in the money or property, and who was an enemy firm, had died or had ceased to be an enemy firm, or
- (ii) some person who was so interested, and who was believed by the custodian to be an enemy firm, was not an enemy firm.

(4) In sub-rules (1), (2) and (3), the expression “custodian” includes a Deputy Custodian of Enemy Property and an Assistant Custodian of Enemy Property and every reference to an enemy firm shall be construed as including a reference to a person who is an enemy as defined in rule 133-A.

(5) Where in pursuance of an order made under sub-rule (1) the assets of a company are vested in the custodian, no proceedings, civil or criminal, shall be instituted under the Companies Act, 1956, against the company or any director, manager or other officer thereof except with the consent in writing of the custodian.

(6) If any person pays any debt or deals with any property to which any order under sub-rule (1) applies otherwise than in accordance with the provisions of the order, he shall be punishable with imprisonment for a term which may extend to six months, or with fine, or with both and the payment or dealing shall be void.

(7) If any person without reasonable cause fails to produce or furnish in accordance with the requirements of an order under sub-rule (1) any document or information which he is required under the order to produce or furnish, he

shall be punishable with imprisonment for a term which may extend to six months, or with fine, or with both.

133-W. Power to control and wind up certain business.—(1) In this rule “enemy” means any person or body of persons who is for the time being an enemy as defined in rule 133-A.

(2) Where any business is being carried on in India by, or on behalf of or under the direction of, persons all or any of whom are enemies or enemy subjects or appear to the Central Government to be associated with enemies, the Central Government may, if it thinks it expedient so to do, make—

- (a) an order (hereafter in this rule referred to as a “restriction order”) prohibiting the carrying on the business either absolutely or except for such purposes and subject to such conditions as may be specified in the order, or
- (b) an order (hereafter in this rule referred to as a “winding up order”) requiring the business to be wound up;

and the making of a restriction order as respects any business shall not prejudice the power of the Central Government, if it thinks it expedient so to do, at any subsequent date to make a winding up order as respects that business.

(3) Where an order under sub-rule (2) is made as respects any business, the Central Government may, by that or a subsequent order, appoint a Supervisor to control and supervise the carrying out of the order, and, in the case of a winding up order, to conduct the winding up of the business and may confer on the Supervisor any such powers in relation to the business as are exercisable by a liquidator in the voluntary winding up of a company in relation to the company (including power in the name of the person carrying on the business or in his own name and by deed or otherwise to convey or transfer any property, and power to apply to the court to determine any question arising in the carrying out of the order), and may by the order confer on the Supervisor such other powers as the Central Government thinks necessary or convenient for the purpose of giving full effect to the order.

(4) Where a restriction order or a winding up order is made as respects any business, the distribution of any assets of the business which are distributed while the order is in force shall be made in accordance with the rules as to preferential payments applicable to the distribution of the assets of a company which is being wound up, but subject to such modifications, if any, as the Central Government may, by a general or special order prescribe in this behalf and the said assets of the business shall, so far as they are available for discharging unsecured debts, be applied in discharging unsecured debts due to creditors of the business who are neither enemies nor enemy subjects in priority to unsecured debts due to any other creditors, and any balance, after providing for the discharge of all liabilities of the business, shall be distributed among the persons interested in the business in such manner as the Central Government may direct:

Provided that the provisions of this sub-rule shall in their application to the distribution of any money or other property which would, in accordance with those provisions, fall to be paid or transferred to an enemy, enemy subject or enemy firm whether as a creditor or otherwise, have effect subject to the provisions of rule 133-V and of any order made under that rule.

(5) Where any business for which a Supervisor has been appointed under this rule has assets in enemy territory, the Supervisor shall, if in his opinion it is practicable so to do, cause an estimate to be prepared—

- (a) of the value of those assets;
- (b) of the amount of any liabilities of the business to creditors whether secured or who unsecured, are enemies;
- (c) of the amount of the claims of persons who are enemies or participate, otherwise than as creditors of the business, in any distribution of assets of the business made while an order sub-rule (2) is in force as respects the business;

and where such an estimate is made, the said liabilities and claims shall, for the purposes of this rule, be deemed to have been satisfied out of the said assets of the business in enemy territory, or to have been satisfied thereout so far as those assets will go, and only the balance (if any) shall rank for satisfaction out of the other assets of the business:

Provided that where the rights of any creditor of, or other person interested in, the business are vested in the Custodian of Enemy Property, nothing in this sub-rule shall affect the rights of the custodian against the assets of the business in India unless such rights have been disclaimed by him.

(6) Where an estimate has been prepared under sub-rule (5), a certificate of the Supervisor as to the value or amount of any assets, claims or liabilities to which the estimate relates shall be conclusive for the purpose of determining the amount of the assets of the business available for discharging the other liabilities of the business and for distribution amongst other persons claiming to be interested in the business:

Provided that nothing in this sub-rule shall affect the rights of creditors of, and other persons interested in, the business against the assets of the business in enemy territory.

(7) The Central Government may, on an application made by a Supervisor appointed under this rule, after considering the application and any objections which may be made by any person who appears to the Central Government to be interested, by order grant the Supervisor a release, and an order of the Central Government under this sub-rule shall discharge the Supervisor from all liability in respect of any act done or default made by him in the exercise and performance of his powers and duties as Supervisor, but any such order may be revoked by the Central Government on proof that it was obtained by fraud or by suppression or concealment of any material fact.

(8) Where an order under sub-rule (2) has been made as respects a business carried on by any individuals or by a company, no insolvency petition against the individuals, or petition for the winding up of the company, shall be presented, or resolution for the winding up of the company passed, or steps for the enforcement of the rights of any creditors of the individuals or company taken, without the consent of the Central Government, but where the business is carried on by a company, the Central Government may present a petition for the winding up of the company by the court, and the making of an order under sub-rule (2) shall be a ground on which the company may be wound up by the court.

(9) Where an order is made under this rule appointing a Supervisor, for any business, any remuneration of, and any costs, charges and expenses incurred by, the Supervisor, and any other costs, charges and expenses incurred in connection with the control and supervision of the carrying out of the order, shall, to such amount as may be certified by the Central Government, be defrayed out of the assets of the business, and as from the date of the certificate, be charged on those assets in priority to any other charges thereon.

(10) If any person contravenes the provisions of any order made under sub-rule (2), he shall be punishable with imprisonment for a term which may extend to five years, or with fine, or both.

PART XV

MISCELLANEOUS PROVISIONS

134.² *Powers relating to storage accommodation.*—(1) The competent authority may, by order in writing require the owner of any warehouse or cold storage depot or of any premises capable of being used for storage purposes (not being premises used for residential purposes), to place at his disposal the whole or any part of the space or accommodation available in such warehouse or cold storage depot or premises and to employ such space or accommodation for the

storage of any articles or things specified in the order; and such an order may require the said owner or person to afford such facilities, and maintain such services, in respect of the storage of such articles or things, as may be specified.

(2) Whenever in pursuance of an order made under sub-rule (1) any space or accommodation in a warehouse or cold storage depot or premises is placed at the disposal of the competent authority, the owner of such warehouse, cold storage depot or premises shall be paid therefor at such rates as the competent authority may, by order made in this behalf, determine, having regard to the usual rates paid for like space or accommodation by the competent authority or by any other person for similar space or accommodation during the twelve months immediately preceding the date of Proclamation of Emergency.

135. Derelict articles.—(1) If any person finds any article as to which he has reasonable cause to believe that it has been lost or abandoned, and that, prior to its loss or abandonment, it was used or intended to be used for the purposes of any Armed force or was in the possession of a person who was serving with an Armed force, the person so finding the article—

(a) shall report the nature and situation thereof, or, if the article is a document, cause it to be delivered, to some member of the Armed Forces of the Union on duty in the neighbourhood or to the officer in charge of a police station in the neighbourhood; or if the article is found outside India, shall take such steps as are practicable to secure that the nature and situation thereof are reported, or, if the article is a document, that it is delivered as soon as may be, to some person in Government service; and

(b) shall not, save as aforesaid, remove or tamper with the article except with the permission of the Central Government.

(2) The Central Government may by notified order direct that the obligations and restrictions imposed by sub-rule (1) shall not apply in relation to any such description of articles as may be specified therein or as may be specified by a prescribed authority or person.

(3) If any person contravenes any of the provisions of sub-rule (1), he shall be punishable with imprisonment for a term which may extend to six months, or with fine, or with both.

136. Protection of privileges and immunities of diplomatic missions.—Nothing contained in these Rules shall affect the privileges and immunities of diplomatic missions in India in respect of—

(i) the premises of such missions and the residences of diplomatic agents;

(ii) the inviolability of diplomatic bags and pouches and in general the right of free communication on the part of diplomatic missions with their sending Governments including the use of diplomatic couriers and messages in code or cypher;

(iii) facilities in regard to the use of transmitters where such facilities have been extended by the Government of India.

137. Power to obtain information.—(1) Without prejudice to any special provisions contained in these Rules, the Central Government or the State Government may by order require any person to furnish or produce to any specified authority or person any such information or article in his possession as may be specified in the order, being information or an article which that Government considers it necessary or expedient in the interests of the defence of India and civil defence, the efficient conduct of military operations, or the public safety or interest to obtain or examine.

(2) Any officer of Government authorised in this behalf by general or special order of the Central Government may by order require any importer or exporter or any person dealing in, or having charge or control of, imported goods or goods to be exported, to furnish information relating to such goods or their import or export.

(3) If any person fails to furnish or produce any information or article in compliance with an order made under sub-rule (1) or sub-rule (2), he shall be punishable with imprisonment for a term which may extend to three years, or with fine, or with both.

(4) In this rule,—

(a) “import” means bringing into India by sea, land or air,

(b) “export” means taking out of India by sea, land or air.

138. False statement.—If any person—

(i) when required by or under any of these Rules to make any statement or furnish any information, makes any statement or furnishes any information which he knows or has reasonable cause to believe to be false, or not true, in any material particular, or

(ii) makes any such statement as aforesaid in any account, declaration, estimate, return or other document which he is required by or under any of these Rules to furnish,

he shall be punishable with imprisonment for a term which may extend to three years or with fine or with both.

139. Power to require production of books, etc.—(1) Where any person is required by or under any of these Rules to make any statement or furnish any information to any authority, that authority may by order, with a view to verifying the statement made or the information furnished by such person, further require him to produce any books, accounts or other documents relating thereto which may be in his possession or under his control.

(2) If any person fails to produce any books, accounts or other documents in compliance with an order made under sub-rule (1), he shall be punishable with imprisonment for a term which may extend to three years, or with fine, or with both.

140. Prohibition against disclosing information.—(1) No person who obtains any information by virtue of these Rules shall, otherwise than in connection with the execution of the provisions of these Rules or of any order made in pursuance thereof, disclose that information to any other person except with permission granted by or on behalf of Government.

(2) If any person contravenes the provisions of sub-rule (1), he shall be punishable with imprisonment for a term which may extend to two years, or with fine, or with both.

141. Publication, affixation and defacement of notices.—(1) Save as otherwise expressly provided in these Rules, every authority, officer or person who makes any order in writing in pursuance of any of these Rules shall, in the case of an order of a general nature or affecting a class of persons, publish notice of such order in such manner as may, in the opinion of such authority, officer or person, be best adapted for informing persons whom the order concerns in the case of an order affecting an individual, corporation or firm serve or cause the order to be served in the manner for the service of a summons in rule 2 of Order XXIX or rule 3 of Order XXX, as the case may be, in the First Schedule to the Code of Civil Procedure, 1908 (5 of 1908) and in the case of an order affecting an individual person (not being a corporation or firm) serve or cause the order to be served on that person—

(i) personally, by delivering or tendering to him the order, or

(ii) by post, or

(iii) where the person cannot be found, by leaving an authentic copy of the order with some adult male member of his family or by affixing such copy to some conspicuous part of the premises in which he is known to have last resided or carried on business or personally worked for gain and thereupon the persons, corporation, firm or person concerned shall be deemed to have been duly informed of the order.

(2) If in the course of any judicial proceedings a question arises whether a person was duly informed of an order made in pursuance of these Rules, compliance with sub-rule (1), or where the order was notified, the notification of the order, shall be conclusive proof that he was so informed; but a failure to comply with sub-rule (1)—

(i) shall not preclude proof by other means that he had information of the order,

(ii) shall not affect the validity of the order.

(3) Any police officer, and any other person authorised by Government in this behalf may, for any purpose connected with the defence of India and civil defence, the public safety, the maintenance of public order, the efficient conduct of military operations, maintaining supplies and services essential to the life of the community or the administration of these rules affix any notice to, or cause any notice to be displayed on, any premises, vehicle or vessel, and may for the purpose of exercising the power conferred by this rule enter any premises, vehicle or vessel at any time.

(4) Any person authorised by Government in this behalf may, for any purpose mentioned in sub-rule (3), by order direct the owner or other person in possession or control of any premises, vehicle or vessel to display any notice on or in the premises, vehicle or vessel in such manner as may be specified in the order.

(5) If any person without lawful authority removes, alters, defaces, obliterates or in any way tampers with any notice affixed or displayed in pursuance of these Rules, or contravenes any order under sub-rule (4), he shall be punishable with imprisonment for a term which may extend to six months, or with fine, or with both.

142. Obstructing lawful authorities.—If any person voluntarily obstructs, or offers any resistance to, or impedes or otherwise interferes with,—

(a) any member of the Armed forces of the union acting in the course of his duty as such,

(b) any authority, officer or person exercising any powers, or performing any duties, conferred or imposed upon it or him by or in pursuance of these Rules, or otherwise discharging any lawful functions in connection with the defence of India, civil defence and the efficient conduct of military operations, or

(c) any person who is carrying out the orders of any such authority, officer or person as aforesaid or who is otherwise acting in accordance with his duty in pursuance of these Rules,

he shall be punishable with imprisonment for a term which may extend to two years, or with fine, or with both.

143. Power to impose civil duties on servants.—(1) The Central Government or the State Government may, if it considers it necessary or expedient so to do for securing the defence of India and civil defence, the public safety or the maintenance of public order, or for maintaining supplies and services essential to the life of the community, by general or special order require any person or class of persons in the civil service of the Government to perform such civil duties within the station in which such person or persons are for the time being serving as may be specified in the order.

(2) Any person to whom an order made under sub-rule (1) applies shall, notwithstanding that he subsequently ceases to be in the civil service of the Government continue to perform the duties imposed on him by the order until he is relieved therefrom by competent authority.

(3) If any person contravenes the provisions of any order made under this rule, he shall be punishable with imprisonment for a term which may extend to one year, or with fine, or with both.

PART XVI

SUPPLEMENTARY AND PROCEDURAL

144. Attempts, etc., to contravene the Rules.—Any person who attempts to contravene, or abets, or attempts to abet, or does any act preparatory to, a contravention of, any of the provisions of these Rules or of any order made thereunder, shall be deemed to have contravened that provision or, as the case may be, that order.

145. Offences by companies.—(1) Where an offence against the provisions of these Rules, or of any order made thereunder, has been committed by a company, every person who at the time the offence was committed was in charge of, and was responsible to, the company for the conduct of the business of the company as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-rule shall render any such person liable to any punishment, if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-rule (1), where any such offence has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to, any neglect on the part of, any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation.—For the purposes of this rule—

(a) “company” means any body corporate and includes a firm or other association of individuals; and

(b) “director” in relation to a firm, means a partner in the firm.

146. Assisting offenders.—Any person who, knowing or having reasonable cause to believe that any other person has contravened any of the provisions of these Rules or any order made thereunder, gives that other person any assistance with intent thereby to prevent, hinder or otherwise interfere with his arrest, trial or punishment for the said contravention, shall be deemed to have abetted that contravention.

147. Burden of proof in certain cases.—Where any person is prosecuted for contravening any of these rules or order made thereunder which prohibits him from doing an act or being in possession of a thing without lawful authority or excuse or without a permit, licence, certificate or permission, the burden of proving that he had such authority or excuse or, as the case may be, the requisite permit, licence, certificate or permission, shall be on him.

148. Power to issue search warrants.—(1) If a District Magistrate, Sub-Divisional Magistrate, Presidency Magistrate or Magistrate of the first class has reason to believe that a contravention of any of these Rules or an offence prejudicial to the efficient conduct of military operations, to the defence of India and civil defence, or to the public safety, has been, is being or is about to be committed in any place, he may by warrant authorise any police officer above the rank of constable—

(a) to enter and search the place in the manner specified in the warrant, and

(b) to seize anything found in or on such place which the police officer has reason to believe has been, is being or is intended to be used, for the purposes of or in connection with, any such contravention or offence as aforesaid; and

the provisions of the Code of Criminal Procedure, 1898 (5 of 1898), shall, so far as they may be applicable, apply to any such search or seizure, as they apply,

to any search or seizure made under the authority of a warrant issued under section 98 of that Code.

(2) Any Magistrate before whom anything seized under sub-rule (1) is conveyed shall forthwith report the fact of such seizure to the State Government and, pending the receipt of its orders may detain in custody anything so seized or make such other order for its safe custody as he may think proper.

(3) Anything seized under sub-rule (1) shall be disposed of in such manner as the State Government may direct.

(4) In this rule, and in rule 150, "place" includes a house, building, tent, vehicle and aircraft.

149. Power to search vessels in tidal or territorial waters.—(1) Any officer of the Armed forces of the Union engaged in the defence of the coast or any person authorised in this behalf by such officer may stop and search any vessel found within tidal waters or the territorial waters adjacent to India and seize anything in such vessel which he has reason to believe has been, is being or is about to be, used for any purpose prejudicial to the defence of India and civil defence or to the efficient conduct of military operations.

(2) Any officer or person who makes or causes to be made any seizure in pursuance of the provisions of sub-rule (1) shall forthwith report the fact of such seizure to the Central Government and, pending the receipt of the orders of the Central Government, may detain in custody anything so seized or take such other order for its safe custody as he may think proper.

(3) Anything seized in pursuance of the provisions of sub-rule (1) shall be disposed of in such manner as the Central Government may direct.

(4) Nothing in this rule shall apply to any visit, search, detention or capture made in the exercise of any right under international law, or affect any law relating to Prize or Prize Courts.

150. Further powers of search.—(1) The Central Government or the State Government may by general or special order empower any person to—

(a) stop and search any vessel found in inland water-ways or any vehicle or animal as defined in sub-rule (1) of rule 131;

(b) search any place (including any vessel wherever found) and seize anything found on search under this sub-rule (including a vessel, vehicle or animal) which he has reason to believe has been, is being or is about to be, used for any purpose prejudicial to the efficient conduct of military operations, to the defence of India and civil defence, or to the public safety or interest.

(2) Any person empowered under sub-rule (1) shall forthwith report to the State Government in detail any seizure made by him and, pending the receipt of its orders, may detain in custody anything so seized or take such other order for its safe custody as he may think proper.

(3) Anything seized by a person empowered under sub-rule (1) shall be disposed of in such manner as the State Government may direct.

(4) A person empowered by the Central Government or the State Government under sub-rule (1) may authorise any other person to exercise like powers to his own in the whole or any part of the area in respect of which the Government has empowered him.

151. Entry and inspection of land.—Any member of the Armed forces of the Union acting in the course of his duty as such, and any person authorised by the Central Government or the State Government, to act under this rule,—

(a) may enter on any land for the purpose of exercising any of the powers conferred in relation to that land by any of these Rules;

(b) may enter and inspect any land for the purpose of determining whether, and, if so, in what manner, any of those powers are to be exercised in relation to that land;

- (c) may, for any purpose connected with the defence of India and civil defence, the public safety, the efficient conduct of military operations, or the maintenance of supplies and services essential to the life of the community, pass (with or without animals or vehicles) over any land.

152. General powers to arrest without warrant.—Any police officer may arrest without warrant any person who is reasonably suspected of having committed or of committing or of being about to commit a contravention of rule 13, 19, 31, 57, 64, 65, 66, 78, 80, 85, 88, 121, 122, 129, 131, 134, 140 or 142 or of any order or direction made or given under any of the said rules.

153. Power to arrest escaped prisoners.—(1) Any police officer may arrest without warrant any person whom he reasonably suspects of being an escaped prisoner.

(2) Where any person is arrested under sub-rule (1), the District Superintendent, or in a Presidency-town the Commissioner of Police shall, in consultation with the officer in charge of the nearest camp for the detention of the prisoners,—

- (a) take such steps as may be necessary to establish the identity of the arrested person,
- (b) upon his being found to be an escaped prisoner, arrange to hand him over to a military guard for being taken to the said camp, and
- (c) pending such arrangement, detain him in such custody as may appear expedient.

(3) The provisions of the Code of Criminal Procedure, 1898 (5 of 1898), shall not apply in relation to any arrest made under sub-rule (1).

154. Cognizance of contraventions of the Rules, etc.—(1) No Court or Tribunal shall take cognizance of any alleged contravention of these Rules, or of any order made thereunder, except on a report in writing of the facts constituting such contravention, made by a public servant.

(2) Proceedings in respect of a contravention of the provisions of these Rules or of any order made thereunder alleged to have been committed by any person may be taken before the appropriate Court having jurisdiction in the place where that person is for the time being.

(3) Notwithstanding anything contained in Schedule II to the Code of Criminal Procedure, 1898 (5 of 1898), a contravention of any of the following rules, namely [9, 36, 133-B and 133-J]* shall be triable by a Court of Session, a Presidency Magistrate or a Magistrate of the first class and a contravention of any order made under rule 83, or under sub-rule (2) of rule 125 shall be triable by a Court of Session, Presidency Magistrate or a Magistrate of the first or second class.

(4) Any Magistrate or bench of Magistrates empowered for the time being to try in a summary way the offences specified in sub-section (1) of section 260 of the Code of Criminal Procedure, 1898 (5 of 1898), may if such magistrate or bench of magistrates thinks fit, on application in this behalf being made by the prosecution, try a contravention of any such provisions of these Rules or orders made thereunder as the Central Government may by notified order specify in this behalf in accordance with the provisions contained in sections 262 to 265 of the said Code.

155. Special provision regarding bail.—Notwithstanding anything contained in the Code of Criminal Procedure, 1898 (5 of 1898), no person accused or convicted of a contravention of these Rules or orders made thereunder shall, if in custody, be released on bail or on his own bond unless—

- (a) the prosecution has been given an opportunity to oppose the application for such release, and

*Inserted vide Govt. of India, Ministry of Home Affairs notification No. G.S.R. 1593, dated the 24th November, 1962, as published in the Gazette of India, Extraordinary, Part II, section 3, sub-section (i).

(b) where the prosecution opposes the application and the contravention is of any such provision of these Rules or orders made thereunder as the Central Government or the State Government may by notified order specify in this behalf, the Court is satisfied that there are reasonable grounds for believing that he is not guilty of such contravention.

156. *Powers to give effect to rules, orders, etc.*—(1) Any authority, officer or person who is empowered by or in pursuance of the Defence of India Ordinance, 1962, or any of these Rules to make any order, or to exercise any other power may, in addition to any other action prescribed by or under these Rules, take, or cause to be taken, such steps and use, or cause to be used, such force as may, in the opinion of such authority, officer or person, be reasonably necessary for securing compliance with, or for preventing or rectifying any contravention of, such order, or for the effective exercise of such power.

(2) Where in respect of any of the provisions of these Rules there is no authority, officer or person empowered to take action under sub-rule (1), the Central or the State Government may take, or cause to be taken, such steps and use, or cause to be used, such force as may in the opinion of that Government be reasonably necessary for securing compliance with, or preventing or rectifying any breach of, such provision.

(3) For the avoidance of doubt, it is hereby declared that the power to take steps under sub-rule (1) or under sub-rule (2) includes the power to enter upon any land or other property whatsoever.

[No. F. 3/62-Poll (Spl).]

HARI SHARMA,

Additional Secretary.